**DISTRICT OFFICE: CESWG-PE-RE** 

FILE NUMBER: D-17233

PROJECT LOCATION INFORMATION	PR	OJECT	LOCA	TION	INFORM	MATION
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State: Texas
County: Matagorda

Center coordinates of site (latitude/longitude): 28° 50' 06" N, 95° 39' 58" W

Approximate size of area (parcel) reviewed, including uplands: 0.30 acres.

Name of nearest waterway: Caney Creek

Name of watershed: Huc Code: 12090402, East Matagorda Bay

### JURISDICTIONAL DETERMINATION

Completed: Desktop determination Date: 1 November 2005
Site visit(s) Date(s):

### Jurisdictional Determination (JD):

Preliminary JD - Based on available information, \( \square \) there appear to be (or) \( \square \) there appear to be no "waters of the
United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable
(Reference 33 CFR part 331).

- Approved JD An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:
  - There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: 0.06 acre.
  - There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: 0.06 acre.
  - There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.

    Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.

# BASIS OF JURISDICTIONAL DETERMINATION:

- A. Waters defined under 33 CFR part 329 as "navigable waters of the United States":
- The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.
- B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States":
- (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.
- (2) The presence of interstate waters including interstate wetlands<sup>1</sup>.
- (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):
  - (i) which are or could be used by interstate or foreign travelers for recreational or other purposes.
- (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.
- (iii) which are or could be used for industrial purposes by industries in interstate commerce.
- (4) Impoundments of waters otherwise defined as waters of the US.
  - (5) The presence of a tributary to a water identified in (1) (4) above.
- (6) The presence of territorial seas.
  - (7) The presence of wetlands adjacent<sup>2</sup> to other waters of the US, except for those wetlands adjacent to other wetlands.

FILE NUMBER: D-1723/3

Late	clear, natural line impressed on the bank the presence of litter and debris changes in the character of soil destruction of terrestrial vegetation	Tide Line indicated by:  bil or scum line along shore objects  fine shell or debris deposits (foreshore)  physical markings/characteristics  tidal gages  other:
	Mean High Water Mark indicated by:  ☐ survey to available datum; ☐ physical markings; ☐ vegetation li	ines/changes in vegetation types.
П	The second section of the second section of the second section as	
Bas	Headquarters declined to approve jurisdiction on the basis of 33 CFR	part 328.3(a)(3). waters present on the site are not Waters of the as, pursuant to 33 CFR part 328.3. e irrigation ceased. g dry land to collect and as stock watering, irrigation, settling basins, or ental bodies of water created rily aesthetic reasons. struction activity and pits excavated in dry land for the construction or excavation operation is on of waters of the United States found at 33 CFR erce. trees Conservation Service. Explain rationale:
DATA	A REVIEWED FOR JURSIDICTIONAL DETERMINATION (mark Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. This office concurs with the delineation report, dated , pre This office does not concur with the delineation report, dated Data sheets prepared by the Corps. Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic maps: Sargent, Text U.S. Geological Survey 7.5 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: U.S. Atlantaral Resources Conservation Service Soil Survey: National wetlands inventory maps: Sargent, Texas Quadrangle State/Local wetland inventory maps: FEMA/FIRM maps (Map Name & Date): 100-year Floodplain Elevation is: (NGVD) Aerial Photographs (Name & Date): Other photographs (Date): Advanced Identification Wetland maps: Site visit/determination conducted on:	pared by (company): , prepared by (company): as Quadrangle

Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>&</sup>lt;sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

**DISTRICT OFFICE: CESWG** 

# **FILE NUMBER: 23625(01)** PROJECT LOCATION INFORMATION: State: Texas County: Matagorda Center coordinates of site (latitude/longitude): 28 47' 52"N, 95 39' 06"W (NAD27) Approximate size of area (parcel) reviewed, including uplands: 0.05 acres. Name of nearest waterway: Caney Creek Name of watershed: San Bernard JURISDICTIONAL DETERMINATION Completed: Desktop determination Date: 14 November 2005 Site visit(s) Date(s): Jurisdictional Determination (JD): Preliminary JD - Based on available information, \( \square there appear to be \) (or) \( \square there appear to be no "waters of the or the there appear to be no "waters of the or th United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331). Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply: There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: 0.05 acres. There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: 0.05 acres. There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area. 12 Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction BASIS OF JURISDICTIONAL DETERMINATION: Waters defined under 33 CFR part 329 as "navigable waters of the United States": The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce. B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States": (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide. (2) The presence of interstate waters including interstate wedlands. (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, (2) The presence of interstate waters including interstate wetlands<sup>1</sup>.

sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):

(i) which are or could be used by interstate or foreign travelers for recreational or other purposes.

(ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.

(iii) which are or could be used for industrial purposes by industries in interstate commerce.

(4) Impoundments of waters otherwise defined as waters of the US.

(5) The presence of a tributary to a water identified in (1) – (4) above.

(6) The presence of territorial seas.

(7) The presence of wetlands adjacent<sup>2</sup> to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: Caney Creek is a navigable water of the United States and is also a tributary to the Gulf Intracoastal Waterway, which is also a navigable water of the United States. The fringe wetlands on site are adjacent to Caney Creek.

L	ateral E	Extent of Jurisdiction: (Reference: 33 CFR parts 328 and	220	FILE NUMBER: <del>236250(0</del> 1
		nary High Water Mark indicated by: clear, natural line impressed on the bank	329) Hig	) gh Tide Line indicated by: loil or scum line along shore objects
		the presence of litter and debris		fine shell or debris deposits (foreshore)
	H	changes in the character of soil destruction of terrestrial vegetation		physical markings/characteristics
		shelving	님	tidal gages
		other: drawings	Ц	other:
	Mean	n High Water Mark indicated by:		
		urvey to available datum; physical markings; vegeta		
L	Wetla	and boundaries, as shown on the attached wetland delineati	on r	nap and/or in a delineation report prepared by:
Ba	sis For	Not Asserting Jurisdiction: eviewed area consists entirely of uplands.		
	Unab	le to confirm the presence of waters in 33 CFR part 328(a)	1 1	L on 4.7)
	Head	quarters declined to approve jurisdiction on the basis of 33	CFF	R nort 328 3/a)/3)
		Corps has made a case-specific determination that the followed States:	wing	g waters present on the site are not Waters of the
		Waste treatment systems, including treatment ponds or la	igoo	ons, pursuant to 33 CFR part 328.3.
	ö	Artificially irrigated areas, which would revert to upland Artificial lakes and ponds created by excavating and/or d	if th	ne irrigation ceased.
		retain water and which are used exclusively for such purprise growing	ikin Sose	g dry land to collect and
		rice growing.		
		Artificial reflecting or swimming pools or other small or	name	ental bodies of water created
		by excavating and/or diking dry land to retain water for p Water-filled depressions created in dry land incidental to	rima	arily aesthetic reasons.
		are purpose of obtaining fill, saild, or gravel unless and up	ntıl 1	the construction or excavation operation is
		abandoned and the resulting body of water meets the defi 328.3(a).	nitio	on of waters of the United States found at 33 CFR
		Isolated, intrastate wetland with no nexus to interstate con		
		Prior converted cropland, as determined by the Natural R.	nme esou	erce.  urces Conservation Service. Explain rationale:
		Non-tidal drainage or irrigation ditches excavated on dry		
		Other (explain):		•
DATA I	REVIEV Mans	WED FOR JURSIDICTIONAL DETERMINATION (I	ıark	call that apply):
	Data sh	plans, plots or plat submitted by or on behalf of the application of the application of the applicant. The submitted by or on behalf of the applicant.	ınt.	
	Д тһ	is office concurs with the delineation report, dated	pren	pared by (company):
a	∐ Th	is office does not concur with the delineation report, dated	r r	, prepared by (company):
불	Data sr	neets prepared by the Corps. navigable waters' studies:		
	U.S. G	cological Survey Hydrologic Atlas:		
図	U.S. G	eological Survey 7.5 Minute Topographic maps: 1989 Saro	ent	
	U.S. G	eological Survey 7.5 Minute Historic quadrangles:	,0110	
	U.S. Ge	eological Survey 15 Minute Historic quadrangles.		
茵	Nationa	Natural Resources Conservation Service Soil Survey: al wetlands inventory maps: Sargent (digital-based on 1992		
国	State/L	ocal wetland inventory maps:	pho	oto)
国	FEMA/	FIRM maps (Map Name & Date):		
恩	100-yea	ar Floodplain Elevation is: (NGVD)		
	Acrial I	Photographs (Name & Date): TxGLO, Upper Coast, Block hotographs (Date):	12,	2002
	Advanc	rotographs (Date): red Identification Wetland maps:		
13	Site visi	it/determination conducted on:		
	Applica	ble/supporting case law:		
X	Other in	nformation (please specify): CESWG Permit 23625, Galves	ston	District Navigable Waters List

<sup>&</sup>lt;sup>1</sup>Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>&</sup>lt;sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

**DISTRICT OFFICE: CESWG FILE NUMBER:** 19693(04)

PROJECT	`LOCA	TION	<b>INFORM</b>	<b>1ATION:</b>
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State:

Texas

County:

Chambers

Center coordinates of site (latitude/longitude):

Lat: 29.39.00 Long: 94.57.05

Approximate size of area (parcel) reviewed, including uplands: 10 acres.

Name of nearest waterway: Galveston Bay Name of watershed: Galveston Bay

# JURISDICTIONAL DETERMINATION

Completed: Desktop determination

Date: 14 November 2005

Site visit(s)

Date(s):

## Jurisdictional Determination (JD):

Preliminary JD - Based on available information, \( \square there appear to be \) (or) \( \square there appear to be no "waters of the or the there appear to be no "waters of the or the or the or the there appear to be no "waters of the or United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).

Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:

There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.

Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.

# BASIS OF JURISDICTIONAL DETERMINATION:

- Waters defined under 33 CFR part 329 as "navigable waters of the United States":
- The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.
- B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States":
- (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.
- (2) The presence of interstate waters including interstate wetianus.

  (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, and the presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, and the presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, and the presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, and the presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, and the presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams). sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):
  - (i) which are or could be used by interstate or foreign travelers for recreational or other purposes.
  - (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.
  - (iii) which are or could be used for industrial purposes by industries in interstate commerce.
- (4) Impoundments of waters otherwise defined as waters of the US.
  - (5) The presence of a tributary to a water identified in (1) (4) above.
  - (6) The presence of territorial seas.
  - (7) The presence of wetlands adjacent<sup>2</sup> to other waters of the US, except for those wetlands adjacent to other wetlands.

7 -	FILE NUMBER: 19693(04)
La	Ordinary High Water Mark indicated by:   Clear, natural line impressed on the bank   Diagram of the presence of litter and debris   Diagram of the character of soil   Diagram of the character of soil   Diagram of the character of soil   Diagram of the character of the charact
	Mean High Water Mark indicated by: ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types.
	Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by:
Ba	Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7).  Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3).
	REVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply):  Maps, plans, plots or plat submitted by or on behalf of the applicant.  Data sheets prepared/submitted by or on behalf of the applicant.  This office concurs with the delineation report, dated prepared by (company):  This office does not concur with the delineation report, dated prepared by (company):  Data sheets prepared by the Corps.  Corps' navigable waters' studies:  U.S. Geological Survey Hydrologic Atlas:  U.S. Geological Survey 7.5 Minute Topographic maps:  U.S. Geological Survey 7.5 Minute Historic quadrangles:  U.S. Geological Survey 15 Minute Historic quadrangles:  U.S. Geological Survey 16 Minute Historic quadrangles:  U.S. Geological Survey 18 Minute Historic quadrangles:  U.S. Geological Survey 19 Minute Historic quadrangles:  U.S. Geological Survey 10 Minute Historic quadrangles

<sup>&</sup>lt;sup>1</sup>Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>&</sup>lt;sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

**DISTRICT OFFICE: CESWG** FILE NUMBER: 23987

PROJECT	LOCATION	<b>INFORMATION:</b>
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State: Texas County: Trinity

Center coordinates of site (latitude/longitude): Lat: 30.56.35 Long: 95.18.38

Approximate size of area (parcel) reviewed, including uplands: 0.5 acres.

Name of nearest waterway: Lake Livingston Name of watershed: Trinity River

# JURISDICTIONAL DETERMINATION

Completed: Desktop determination Date: 14 November 2005

> Site visit(s) Date(s):

### Jurisdictional Determination (JD):

Preliminary JD - Based on available information, \( \square\) there appear to be (or) \( \square\) there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).

Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:

There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.

Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.

# BASIS OF JURISDICTIONAL DETERMINATION:

- Waters defined under 33 CFR part 329 as "navigable waters of the United States":
- The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.
- B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States":
- (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.
  - (2) The presence of interstate waters including interstate wetlands<sup>1</sup>.
- (2) The presence of interstate waters including interstate wettands.

  (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):
  - (i) which are or could be used by interstate or foreign travelers for recreational or other purposes.
  - (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.
  - (iii) which are or could be used for industrial purposes by industries in interstate commerce.
  - (4) Impoundments of waters otherwise defined as waters of the US.
    - (5) The presence of a tributary to a water identified in (1) (4) above.
  - (6) The presence of territorial seas.
  - (7) The presence of wetlands adjacent<sup>2</sup> to other waters of the US, except for those wetlands adjacent to other wetlands.

FILE NUMBER: 23987

T	atoral I	Extent of Indialities (D.C. on one			FILE NUMBER: 2398
	ALC: AL I	Extent of Jurisdiction: (Reference: 33 CFR parts 328			
L	Ordi	inary High Water Mark indicated by:		High	Tide Line indicated by:
		clear, natural line impressed on the bank	7000000	П	oil or scum line along shore objects
		the presence of litter and debris		Ħ	fine shall an debaie dense its (6 1
		changes in the character of soil		$\vdash$	fine shell or debris deposits (foreshore)
	Ħ	destruction of townsetrial are static		$\sqcup$	physical markings/characteristics
	H	destruction of terrestrial vegetation			tidal gages
	$\vdash$	shelving		П	other:
		other:			
<b></b>	W				
Ľ	Mear Mear	n High Water Mark indicated by:			
		urvey to available datum; Dhysical markings; D	/egeta	tion	lines/changes in vegetation types
-					
L	Wetl	and boundaries, as shown on the attached wetland del	ineati	on m	ap and/or in a delineation report prepared by:
Ba	asis For	Not Asserting Jurisdiction:			
	Ther	eviewed area consists entirely of uplands.			
	Unab	le to confirm the presence of waters in 33 CFR part 33	30(.)(		4.50
		quarters declined to approve invited at the second of the	20(a)(	1, 2,	or 4-7).
		quarters declined to approve jurisdiction on the basis	01 33	CFR	part 328.3(a)(3).
		Corps has made a case-specific determination that the ed States:	tollov	ving	waters present on the site are not Waters of the
		d States.			
		Waste treatment systems, including treatment pond	s or la	goon	is, pursuant to 33 CFR part 328.3.
		Authorally inigated areas, which would revert to un	oland	if the	cirrigation ceased
		Artificial lakes and ponds created by excavating and	d/or d	iking	dry land to collect and
		retain water and which are used exclusively for such	n purp	oses	as stock watering, irrigation, settling basins or
	_	rice growing.			
		Artificial reflecting or swimming pools or other sma	all orn	amei	ntal bodies of water created
		by excavating and/or diking dry land to retain water	for n	rimai	ily seethetic rescons
		Water-filled depressions created in dry land inciden	tal to	conci	truction activity and nite assessed 1.1. 1. 1. 1.
		the purpose of obtaining fill sand or gravel unless	141 1U	4:1 41	fuction activity and pits excavated in dry land for
		the purpose of obtaining fill, sand, or gravel unless a	and ur	itil in	le construction or excavation operation is
		abandoned and the resulting body of water meets the 328.3(a).	e defii	ntior	of waters of the United States found at 33 CFR
	H	Isolated, intrastate wetland with no nexus to intersta	te con	nmer	ce.
		Prior converted cropland, as determined by the Natu	ral Re	sour	ces Conservation Service. Explain rationale:
		Non-tidal drainage or irrigation ditches excavated or			Production and the state of the
		Other (explain):	luly	anu.	Explain rationale:
		,			
D. 4					
DATAI	REVIE	WED FOR JURSIDICTIONAL DETERMINATIO	N (m	ark :	all that apply):
×	waps,	plans, plots or plat submitted by or on behalf of the ar	mlica	nt.	11-37-
	Data si	neets prepared/submitted by or on behalf of the applic	ant.		
	L In	is office concurs with the delineation report dated	1	rena	red by (company):
	☐ Th	nis office does not concur with the delineation report,	, , dated	пори	, prepared by (company):
	Data sl	heets prepared by the Corps.	aatcu		, prepared by (company):
	Corps'	navigable waters' studies:			
	USG	eological Survey Hydrologic Atlas:			
	HS G	eological Survey 7.5 Minute Tenant 1			
fi	U.S. G.	eological Survey 7.5 Minute Topographic maps: Trini	ty Ea	st	
吊	U.S. C	eological Survey 7.5 Minute Historic quadrangles:			
胃	U.S. G	eological Survey 15 Minute Historic quadrangles:			
	USDA	Natural Resources Conservation Service Soil Survey:			
	Nationa	al wetlands inventory maps:			
Ш	State/L	ocal wetland inventory maps:			
	FEMA/	FIRM maps (Map Name & Date):			
	100-yea	ar Floodplain Elevation is: (NGVD)			
	Aerial I	Photographs (Name & Date):			
	Other p	hotographs (Date):			
兩	Advanc	ed Identification Wetland maps:			
	Site vis	it/determination conducted on:			
	Applica	able/supporting case law:			
H	Other in	oformation (places of the state)			
	Ouici II	nformation (please specify):			

<sup>&</sup>lt;sup>1</sup>Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>&</sup>lt;sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

**DISTRICT OFFICE: CESWG** 

FILE NUMBER: SWG-05-39-013
PROJECT LOCATION INFORMATION: State: Texas County: Harris Center coordinates of site (latitude/longitude): 29.9017N; 95.7023W Approximate size of area (parcel) reviewed, including uplands: 0.01 acres. Name of nearest waterway: Langham Creek Name of watershed: Langham Creek
JURISDICTIONAL DETERMINATION  Completed: Desktop determination Site visit(s)  Date: 14 November 2005  Date(s):
Jurisdictional Determination (JD):
Preliminary JD - Based on available information, there appear to be (or) there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).
Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:
There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:
There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: 0.24 acre.
There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.  Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.
BASIS OF JURISDICTIONAL DETERMINATION:

A. Waters defined under 33 CFR part 329 as "navigable waters of the United States":

The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.

B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States":

(1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.

(2) The presence of interstate waters including interstate wetiands.

(3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, and the law waters are always plays lakes or natural ponds, the use, degradation or sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):

(i) which are or could be used by interstate or foreign travelers for recreational or other purposes.

(ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.

- (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.
- (iii) which are or could be used for industrial purposes by industries in interstate commerce.
- (4) Impoundments of waters otherwise defined as waters of the US.
- (5) The presence of a tributary to a water identified in (1) (4) above.
- (6) The presence of territorial seas.
- (7) The presence of wetlands adjacent<sup>2</sup> to other waters of the US, except for those wetlands adjacent to other wetlands.

FILE NUMBER: SWG-05-39-013 Lateral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329) Ordinary High Water Mark indicated by: High Tide Line indicated by: clear, natural line impressed on the bank oil or scum line along shore objects the presence of litter and debris fine shell or debris deposits (foreshore) changes in the character of soil physical markings/characteristics destruction of terrestrial vegetation tidal gages shelving other: other: Mean High Water Mark indicated by: survey to available datum; physical markings; vegetation lines/changes in vegetation types. Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by: **Basis For Not Asserting Jurisdiction:** The reviewed area consists entirely of uplands.
Unable to confirm the presence of waters in 33
Headquarters declined to approve jurisdiction of
The Corps has made a case-specific determinat Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States: Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons.  $\Box$ Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a). Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale: Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: Other (explain): DATA REVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply): Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. ☐ This office concurs with the delineation report, dated , prepared by (company): ☐ This office does not concur with the delineation report, dated , prepared by (company): Data sheets prepared by the Corps. Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic maps: U.S. Geological Survey 7.5 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: USDA Natural Resources Conservation Service Soil Survey: National wetlands inventory maps: State/Local wetland inventory maps: FEMA/FIRM maps (Map Name & Date): 100-year Floodplain Elevation is: (NGVD) Aerial Photographs (Name & Date): Other photographs (Date): Advanced Identification Wetland maps:

Site visit/determination conducted on: Applicable/supporting case law: Other information (please specify):

Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>&</sup>lt;sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

**DISTRICT OFFICE:** CESWG FILE NUMBER: SWG-05-14-034

PR	റ	JF.	CT	L	CA	TION	INFORM	MATION:

State: Texas County: Harris

Center coordinates of site (latitude/longitude): 29.9017N; 95.7023W Approximate size of area (parcel) reviewed, including uplands: 0.24 acres.

Name of nearest waterway: Langham Creek Name of watershed: Langham Creek

## JURISDICTIONAL DETERMINATION

Completed: Desktop determination Date: 14 November 2005
Site visit(s) Date(s):

### Jurisdictional Determination (JD):

Preliminary JD - Based on available information, \( \subseteq \text{ there appear to be (or) } \subseteq  there appear to be no "waters of the appear
United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable
(Reference 33 CFR part 331).

Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:

There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: 0.24 acre.

There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.

Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.

## BASIS OF JURISDICTIONAL DETERMINATION:

A.	Waters defined	under 33	CFR part 329 a	s "navigable	waters o	of the l	United States"

The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.

## B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States":

(1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.

(2) The presence of interstate waters including interstate wetlands<sup>1</sup>.

(3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):

(i) which are or could be used by interstate or foreign travelers for recreational or other purposes.

- (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.
- (iii) which are or could be used for industrial purposes by industries in interstate commerce.
- (4) Impoundments of waters otherwise defined as waters of the US.
- (5) The presence of a tributary to a water identified in (1) (4) above.
  - (6) The presence of territorial seas.
- (7) The presence of wetlands adjacent<sup>2</sup> to other waters of the US, except for those wetlands adjacent to other wetlands.

FILE NUMBER: SWG-05-14-034 Lateral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329) Ordinary High Water Mark indicated by: High Tide Line indicated by: clear, natural line impressed on the bank oil or scum line along shore objects the presence of litter and debris fine shell or debris deposits (foreshore) changes in the character of soil physical markings/characteristics destruction of terrestrial vegetation ☐ tidal gages shelving other: other: Mean High Water Mark indicated by: survey to available datum; physical markings; vegetation lines/changes in vegetation types. Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by: **Basis For Not Asserting Jurisdiction:** The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States: Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a). Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale: Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: Other (explain): DATA REVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply): Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. This office concurs with the delineation report, dated , prepared by (company): This office does not concur with the delineation report, dated , prepared by (company): Data sheets prepared by the Corps. Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic maps: U.S. Geological Survey 7.5 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: USDA Natural Resources Conservation Service Soil Survey: National wetlands inventory maps: State/Local wetland inventory maps: FEMA/FIRM maps (Map Name & Date): 100-year Floodplain Elevation is: (NGVD) Aerial Photographs (Name & Date): Other photographs (Date): Advanced Identification Wetland maps: Site visit/determination conducted on: Applicable/supporting case law: Other information (please specify):

Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>&</sup>lt;sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

**DISTRICT OFFICE:** CESWG FILE NUMBER: 23986

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rĸ	L).	1 F.		1.	"	A	1 14	I N	10	ı H'C	)K	nvii ≀	Δľ.	1()	N •

State: Texas County: Chambers

Center coordinates of site (latitude/longitude): 29.8681N; 94.8681W Approximate size of area (parcel) reviewed, including uplands: 3 acres.

Name of nearest waterway: Galveston Bay Name of watershed: Galveston Bay

### JURISDICTIONAL DETERMINATION

Completed: Desktop determination Date: 14 Nov 05
Site visit(s) Date(s):

## Jurisdictional Determination (JD):

Preliminary JD - Based on available information, \( \square there appear to be \) (or) \( \square there appear to be no "waters of the limit there appear to be no "waters of the limit there appear to be no "waters of the limit there appear to be no "waters of the limit there appear to be no "waters of the limit there appear to be no "waters of the limit there appear to be no "waters of the limit there appear to be no "waters of the limit there appear to be no "waters of the limit there appear to be no "waters of the limit there appear to be no "waters of the limit there appear to be no "waters of the limit there appear to be no "waters of the limit there appear to be no "waters of the limit there appear to be no "waters of the limit there appear to be no "waters of the limit there appear to be no "waters of the limit the limit there appear to be no "waters of the limit there appear to be no "waters of the limit there appear to be no "waters of the limit there appear to be no "waters of the limit the limit the limit there appear to be no "waters of the limit th
United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable
(Reference 33 CFR part 331).

Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:

There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: 3 acres.

There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.

Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.

# BASIS OF JURISDICTIONAL DETERMINATION:

- A. Waters defined under 33 CFR part 329 as "navigable waters of the United States":
- The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.
- B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States":
- (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.
- (2) The presence of interstate waters including interstate wetlands<sup>1</sup>.
  - (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):
  - (i) which are or could be used by interstate or foreign travelers for recreational or other purposes.
  - (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.
  - (iii) which are or could be used for industrial purposes by industries in interstate commerce.
- (4) Impoundments of waters otherwise defined as waters of the US.
  - (5) The presence of a tributary to a water identified in (1) (4) above.
- (6) The presence of territorial seas.
- (7) The presence of wetlands adjacent<sup>2</sup> to other waters of the US, except for those wetlands adjacent to other wetlands.

teral Extent of Jurisdiction: (Reference: 33 CFR parts 328 an Ordinary High Water Mark indicated by:  clear, natural line impressed on the bank the presence of litter and debris changes in the character of soil destruction of terrestrial vegetation shelving other:	### FILE NUMBER: 23986    d 329)    High Tide Line indicated by:   oil or scum line along shore objects   fine shell or debris deposits (foreshore)   physical markings/characteristics   tidal gages   other:
Mean High Water Mark indicated by:  ☐ survey to available datum; ☐ physical markings; ☐ vego	
wetland boundaries, as shown on the attached wetland deline	ation map and/or in a delineation report prepared by:
Artificial lakes and ponds created by excavating and/or	3 CFR part 328.3(a)(3). owing waters present on the site are not Waters of the lagoons, pursuant to 33 CFR part 328.3. d if the irrigation ceased.
rice growing.	rposes as stock watering, irrigation, settling basins, or
by excavating and/or diking dry land to retain water for Water-filled depressions created in dry land incidental to	primarily aesthetic reasons.
abandoned and the resulting body of water meets the de 328.3(a).	until the construction or excavation operation is finition of waters of the United States found at 33 CFR
Isolated, intrastate wetland with no nexus to interstate or Prior converted cropland, as determined by the Natural	ommerce.
Data sheets prepared by the Corps. Corps' navigable waters' studies:  J.S. Geological Survey Hydrologic Atlas: J.S. Geological Survey 7.5 Minute Topographic maps: Smith Pol.S. Geological Survey 7.5 Minute Historic quadrangles: J.S. Geological Survey 15 Minute Historic quadrangles: J.S. Geological Survey 16 Minute Historic quadrangles: J.S.	cant.  , prepared by (company): d , prepared by (company):
issistate EL Company of the Company	Clear, natural line impressed on the bank   the presence of litter and debris   changes in the character of soil   destruction of terrestrial vegetation   shelving   other:

<sup>&</sup>lt;sup>1</sup>Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>&</sup>lt;sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

**DISTRICT OFFICE: CESWG FILE NUMBER: 20852(08)** 

PR	O	JE.	CT	LC	C	ATI	ON	INFO	RMATION:	

State: Texas Galveston County:

Center coordinates of site (latitude/longitude): 29.4150N; 94.9127W Approximate size of area (parcel) reviewed, including uplands: 200 acres.

Name of nearest waterway: Moses Lake Name of watershed: Galveston Bay

# JURISDICTIONAL DETERMINATION

Completed: Desktop determination Date: 14 Nov 2005 Site visit(s)

#### Jurisdictional Determination (JD):

Preliminary JD - Based on available information, \( \subseteq \text{ there appear to be (or)} \subseteq \text{ there appear to be no "waters of the preliminary JD - Based on available information, \( \subseteq \text{ there appear to be (or)} \subseteq \text{ there appear to be no "waters of the preliminary JD - Based on available information, \( \subseteq \text{ there appear to be (or)} \)
United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable
(Reference 33 CFR part 331).

Date(s):

Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:

There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: 5 acres.

There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.

Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.

# BASIS OF JURISDICTIONAL DETERMINATION:

Waters defined under 33 CFR part 329 as "navigable waters of the United States":

The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.

# B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States":

- (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.
- (2) The presence of interstate waters including interstate wetlands<sup>1</sup>.
  - (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):
  - (i) which are or could be used by interstate or foreign travelers for recreational or other purposes.
  - (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.
  - (iii) which are or could be used for industrial purposes by industries in interstate commerce.
- (4) Impoundments of waters otherwise defined as waters of the US.
- (5) The presence of a tributary to a water identified in (1) (4) above.
- (6) The presence of territorial seas.
- (7) The presence of wetlands adjacent<sup>2</sup> to other waters of the US, except for those wetlands adjacent to other wetlands.

Ls	ateral F	Extent of Inriedictions (Defense 22 CDD		FILE NUMBER: 20852(08)
ř	Ordi	Extent of Jurisdiction: (Reference: 33 CFR parts nary High Water Mark indicated by:		29)
A		clear, natural line impressed on the bank	ПН	High Tide Line indicated by:
		the presence of litter and debris	Ĺ	oil or scum line along shore objects
		changes in the character of soil	ř	fine shell or debris deposits (foreshore) physical markings/characteristics
		destruction of terrestrial vegetation	ז	tidal gages
	╚	shelving	ř	other:
		other:	_	
П	Mean	High Water Mark 1 to 1 to 1		
لتا	INICALI	High Water Mark indicated by:		
	ر عد	urvey to available datum;  physical markings; [	vegetatio	on lines/changes in vegetation types.
	Wetla	and boundaries, as shown on the attached wetland	delineation	n map and/or in a delineation report prepared by:
Ba:	The re Unabl Heado The C	Not Asserting Jurisdiction: eviewed area consists entirely of uplands. le to confirm the presence of waters in 33 CFR par quarters declined to approve jurisdiction on the bas corps has made a case-specific determination that t d States:  Waste treatment systems, including treatment po Artificially irrigated areas, which would revert to Artificial lakes and ponds created by excavating retain water and which are used exclusively for s	sis of 33 CF the followin ands or lago o upland if the	FR part 328.3(a)(3).  In section on the site are not Waters of the section on the site are not Waters of the section on the site are not Waters of the section of the secti
		Brownig.		
		Artificial reflecting or swimming pools or other	small ornan	mental bodies of water created
		by excavating and/or diking dry land to retain wa	ater for prin	marily aesthetic reasons
		the purpose of obtaining fill sand or gravel unto	lental to con	onstruction activity and pits excavated in dry land for
		the purpose of obtaining fill, sand, or gravel unle abandoned and the resulting body of water meets 328.3(a).	the definiti	it the construction or excavation operation is tion of waters of the United States found at 33 CFR
		Isolated, intrastate wetland with no nexus to inter	rstate comm	merca
		Prior converted cropland, as determined by the N	atural Reso	ources Conservation Service Explain rationals:
		•		
	H	Non-tidal drainage or irrigation ditches excavated Other (explain):	l on dry lan	nd. Explain rationale:
	_	outer (explain).		
22	waps, p	WED FOR JURSIDICTIONAL DETERMINAT plans, plots or plat submitted by or on behalf of the	e annlicant	rk all that apply):
	Data sh	neets prepared/submitted by or on behalf of the app	olicant.	
	Thi	is office concurs with the delineation report, dated is office does not concur with the delineation report.	, pre	epared by (company):
	Data sh	leets prepared by the Corps.	rt, dated	, prepared by (company):
	Corps'	navigable waters' studies:		
	U.S. Ge	cological Survey Hydrologic Atlas:		
	U.S. Ge	cological Survey 7.5 Minute Topographic mans:		
4.	U.S. Ge	cological Survey 7.5 Minute Historic quadrangles.		
	U.S. Ge	cological Survey 15 Minute Historic quadrangles		
H	USDA I Nationa	Natural Resources Conservation Service Soil Surv	ey:	
H	State/Lo	l wetlands inventory maps: ocal wetland inventory maps:		
<b>I</b>	FEMA/I	FIRM maps (Map Name & Date):		
	100-yeai	r Floodplain Elevation is: (NGVD)		
	Aerial P	hotographs (Name & Date):		
	Other ph	notographs (Date):		
	Advance	ed Identification Wetland maps:		
	site visit	t/determination conducted on:		
	applicat	ble/supporting case law: formation (please specify):		
-		community (picase specify):		

<sup>&</sup>lt;sup>1</sup>Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>&</sup>lt;sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

**DISTRICT OFFICE:** CESWG FILE NUMBER: SWG-05-12-038

### PROJECT LOCATION INFORMATION:

State: Texas County: Liberty

Center coordinates of site (latitude/longitude): 29.8976N; 94.7573W Approximate size of area (parcel) reviewed, including uplands: 2.04 acres.

Name of nearest waterway: Trinity River Name of watershed: Trinity River

## JURISDICTIONAL DETERMINATION

Completed: Desktop determination Date: 14 November 2005

Site visit(s) Date(s):

### Jurisdictional Determination (JD):

Preliminary JD - Based on available information, there appear to be (or) there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).

Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:

There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: 2.04 acres.

There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.

Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.

### BASIS OF JURISDICTIONAL DETERMINATION:

- A. Waters defined under 33 CFR part 329 as "navigable waters of the United States":
- The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.
- B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States":
- (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.
  - (2) The presence of interstate waters including interstate wetlands<sup>1</sup>.
- (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):
  - (i) which are or could be used by interstate or foreign travelers for recreational or other purposes.
  - (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.
  - (iii) which are or could be used for industrial purposes by industries in interstate commerce.
- (4) Impoundments of waters otherwise defined as waters of the US.
- (5) The presence of a tributary to a water identified in (1) (4) above.
- (6) The presence of territorial seas.
- (7) The presence of wetlands adjacent<sup>2</sup> to other waters of the US, except for those wetlands adjacent to other wetlands.

-	FILE NUMBER: SWG-05-12-038
La 🗔	ordinary High Water Mark indicated by:  clear, natural line impressed on the bank the presence of litter and debris changes in the character of soil  High Tide Line indicated by: oil or scum line along shore objects fine shell or debris deposits (foreshore) physical markings/characteristics
	destruction of terrestrial vegetation
	Mean High Water Mark indicated by: ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types.
O	Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by:
Ba	The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States:  Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a).  Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale:
	<ul> <li>Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale:</li> <li>Other (explain):</li> </ul>
	Maps, plans, plots or plat submitted by or on behalf of the applicant.  Data sheets prepared/submitted by or on behalf of the applicant.  This office concurs with the delineation report, dated , prepared by (company):  This office does not concur with the delineation report, dated , prepared by (company):  Data sheets prepared by the Corps.  Corps' navigable waters' studies:  U.S. Geological Survey Hydrologic Atlas:  U.S. Geological Survey 7.5 Minute Topographic maps: Moss Bluff, Texas  U.S. Geological Survey 7.5 Minute Historic quadrangles:  U.S. Geological Survey 15 Minute Historic quadrangles:  U.S. Geological Survey 15 Minute Historic quadrangles:  U.S. According the Historic state of the state

<sup>&</sup>lt;sup>1</sup>Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>&</sup>lt;sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

**DISTRICT OFFICE: CESWG FILE NUMBER: 22512(01)** 

PR	O	JF	C1	ľ	OC	Α	TI	O	N	IN	FΩ	R	МΔ	TION	

State: Louisiana

County: Cameron Parish

Center coordinates of site (latitude/longitude): Lat: 29.57.27 Long: Approximate size of area (parcel) reviewed, including uplands: 3 acres.

Name of nearest waterway: Black Bayou Name of watershed: Sabine Lake

### JURISDICTIONAL DETERMINATION

Completed: Desktop determination

Site visit(s)

Date: 14 November 2005

Date(s):

## Jurisdictional Determination (JD):

Preliminary JD - Based on available information, 🗌 there appear to be (or) 🗌 there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).

Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:

There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

Material There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.

Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.

## BASIS OF JURISDICTIONAL DETERMINATION:

- Waters defined under 33 CFR part 329 as "navigable waters of the United States":
- The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.
- Waters defined under 33 CFR part 328.3(a) as "waters of the United States":
- (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.
- (2) The presence of interstate waters including interstate wetlands<sup>1</sup>.
- (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):
  - (i) which are or could be used by interstate or foreign travelers for recreational or other purposes.
  - (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.
- (iii) which are or could be used for industrial purposes by industries in interstate commerce.
- (4) Impoundments of waters otherwise defined as waters of the US.
- (5) The presence of a tributary to a water identified in (1) (4) above.
- (6) The presence of territorial seas.
  (7) The presence of wetlands adjacent<sup>2</sup> to other waters of the US, except for those wetlands adjacent to other wetlands.

**FILE NUMBER: 22512(01)** Lateral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329) Ordinary High Water Mark indicated by: High Tide Line indicated by: clear, natural line impressed on the bank oil or scum line along shore objects the presence of litter and debris fine shell or debris deposits (foreshore) changes in the character of soil physical markings/characteristics destruction of terrestrial vegetation tidal gages shelving other: other: Mean High Water Mark indicated by: survey to available datum; physical markings; vegetation lines/changes in vegetation types. Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by: **Basis For Not Asserting Jurisdiction:** The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States: Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a). Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale: Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: Other (explain): DATA REVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply): Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. This office concurs with the delineation report, dated , prepared by (company): This office does not concur with the delineation report, dated , prepared by (company): Data sheets prepared by the Corps. Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic maps: Johnsons Bayou U.S. Geological Survey 7.5 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: USDA Natural Resources Conservation Service Soil Survey: National wetlands inventory maps: State/Local wetland inventory maps: FEMA/FIRM maps (Map Name & Date): 100-year Floodplain Elevation is: (NGVD) Aerial Photographs (Name & Date): Other photographs (Date): Advanced Identification Wetland maps: Site visit/determination conducted on: Applicable/supporting case law:

Other information (please specify):

Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>&</sup>lt;sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

**DISTRICT OFFICE: CESWG** FILE NUMBER: 23982

PR	O.JE.C	TI	OCA	TION	INFO	PM A	TION:

State:

Texas

County: Jefferson

Center coordinates of site (latitude/longitude):

Lat: 29.55.27 Long: 93.49.04

Approximate size of area (parcel) reviewed, including uplands: 1 acres.

Name of nearest waterway: Sabine Lake Name of watershed: Sabine Lake

### JURISDICTIONAL DETERMINATION

Completed: Desktop determination

Site visit(s)

Date: 14 November 2005

Date(s):

# Jurisdictional Determination (JD):

Preliminary JD - Based on available information, T there appear to be (or) there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).

Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:

There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.

Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No. Jurisdiction.

### BASIS OF JURISDICTIONAL DETERMINATION:

Waters defined under 33 CFR part 329 as "navigable waters of the United States":

The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.

B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States":

(1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.

(2) The presence of interstate waters including interstate wetlands<sup>1</sup>.

(3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):

(i) which are or could be used by interstate or foreign travelers for recreational or other purposes.

(ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.

(iii) which are or could be used for industrial purposes by industries in interstate commerce.

(4) Impoundments of waters otherwise defined as waters of the US.

(5) The presence of a tributary to a water identified in (1) - (4) above.

(6) The presence of territorial seas.

(7) The presence of wetlands adjacent<sup>2</sup> to other waters of the US, except for those wetlands adjacent to other wetlands.

2 FILE NUMBER: 23982 Lateral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329) Ordinary High Water Mark indicated by: High Tide Line indicated by: clear, natural line impressed on the bank oil or scum line along shore objects the presence of litter and debris fine shell or debris deposits (foreshore) changes in the character of soil physical markings/characteristics destruction of terrestrial vegetation ☐ tidal gages shelving other: other: Mean High Water Mark indicated by: survey to available datum; physical markings; vegetation lines/changes in vegetation types. Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by: Basis For Not Asserting Jurisdiction: The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States: Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for П the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a). Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale: Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: Other (explain): DATA REVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply): Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. ☐ This office concurs with the delineation report, dated , prepared by (company): ☐ This office does not concur with the delineation report, dated , prepared by (company): Data sheets prepared by the Corps. Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic maps: U.S. Geological Survey 7.5 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: USDA Natural Resources Conservation Service Soil Survey: National wetlands inventory maps: State/Local wetland inventory maps: FEMA/FIRM maps (Map Name & Date): 100-year Floodplain Elevation is: (NGVD) Aerial Photographs (Name & Date): Other photographs (Date):

Advanced Identification Wetland maps:
Site visit/determination conducted on:
Applicable/supporting case law:
Other information (please specify):

Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>&</sup>lt;sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

**DISTRICT OFFICE:** CESWG **FILE NUMBER:** 23957

<b>PROJEC</b>	CT LOCAT	ION INI	FORMATION:		
Stat	e: T	exas			
	•	razoria			
			e (latitude/longitud		29 02' 45"N, 95 38' 27"W (NAD 27)
					g uplands: 0.03 acres.
Nan	ne of nearest	waterwa	ay: San Bernard R	iver	
Nan	ne of watersh	ned:	San Bernard (120	90401)	
<b>JURISD</b>	ICTIONAL	DETE	RMINATION		
Cor	npleted: D	esktop d	determination	⊠ □	Date: 15 November 2005
	S	ite visit(	s)		Date(s):
	isdictional I		• •		
	United Stat	es" and/	or "navigable wate	nformation ers of the U	, \(\sum \) there appear to be (or) \(\sum \) there appear to be no "waters of the Inited States" on the project site. A preliminary JD is not appealable
	(Reference	33 CFR	part 331).		
Ø				appealable	e action (Reference 33 CFR part 331).
	Check all th	nat appiy	<i>r</i> :		
	Thomas a	va "narri	and a water of the	I Inited St	ates" (as defined by 33 CFR part 329 and associated guidance) within
					tional area: 0.03 acres.
	N 71	"	C4b - I I:4- d C.		1.5 1 b., 22 CFD + 220 1
					defined by 33 CFR part 328 and associated guidance) within the al area: 0.03 acres.
	There a	re "isolo	ated non-navigable	e intra-sta	tte waters or wetlands" within the reviewed area.
					NCC/Migratory Bird Rule Information Sheet for Determination of No
			Jurisdiction.	a oy o wii	in Commission of the monaton short for bettermination of the
BASIS (	OF JURISD	ICTION	IAL DETERMIN	ATION:	
A.	Waters def	fined un	der 33 CFR part	329 as "na	avigable waters of the United States":
×					and flow of the tide and/or are presently used, or have been used in
					ort interstate or foreign commerce.
В.					s "waters of the United States":
M	(1) The pre	sence of	waters, which are	currently u	used, or were used in the past, or may be susceptible to use in
					ters which are subject to the ebb and flow of the tide.
Ц	(2) The pre	sence of	interstate waters i	ncluding ir	nterstate wetlands <sup>1</sup> .
	(3) The pre	sence of	other waters such	as intrasta	te lakes, rivers, streams (including intermittent streams), mudflats,
					et meadows, playa lakes, or natural ponds, the use, degradation or
					merce including any such waters (check all that apply):
					or foreign travelers for recreational or other purposes.
					be taken and sold in interstate or foreign commerce.
F					al purposes by industries in interstate commerce.
					s waters of the US.
				iter identifi	ied in (1) – (4) above.
	(0) The pre	sence of	territorial seas.	2 to other -	waters of the US, except for those wetlands adjacent to other wetlands.
	(/) The pre	sence of	wettands adjacent	to otner v	waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: The San Bernard River is a navigable water of the United States. It is also a tributary to the Gulf of Mexico, a navigable water of the United States.

FILE NUMBER: 23957

T .	FILE NUMBER: 2393
La ⊠	teral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329)  Ordinary High Water Mark indicated by:  clear, natural line impressed on the bank the presence of litter and debris changes in the character of soil physical markings/characteristics destruction of terrestrial vegetation shelving other: plans
	Mean High Water Mark indicated by:  ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types.
	Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by:
Bas III III	The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States:  Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or
	Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons.  Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a).  Isolated, intrastate wetland with no nexus to interstate commerce.
	Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale:  Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale:  Other (explain):
$\boxtimes$	Maps, plans, plots or plat submitted by or on behalf of the applicant.  Data sheets prepared/submitted by or on behalf of the applicant.  This office concurs with the delineation report, dated , prepared by (company):  This office does not concur with the delineation report, dated , prepared by (company):
	Data sheets prepared by the Corps.  Corps' navigable waters' studies:  U.S. Geological Survey Hydrologic Atlas:  U.S. Geological Survey Hydrologic Atlas:  U.S. Geological Survey 7.5 Minute Topographic maps: 1972 Sweeny  U.S. Geological Survey 15 Minute Historic quadrangles:  U.S. Geological Survey 15 Minute Historic quadrangles:  USDA Natural Resources Conservation Service Soil Survey:  National wetlands inventory maps: Sweeny (digital-based on 1992 photos)  State/Local wetland inventory maps:  FEMA/FIRM maps (Map Name & Date):  100-year Floodplain Elevation is: (NGVD)  Aerial Photographs (Name & Date): TNRIS Sweeny 1995  Other photographs (Date):  Advanced Identification Wetland maps:  Site visit/determination conducted on:  Applicable/supporting case law:  Other information (please specify): DA permit 23190(01); CESWG Navigable Waters List

<sup>&</sup>lt;sup>T</sup>Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>&</sup>lt;sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

DISTRICT OFFICE: Galveston FILE NUMBER: 14392(05)/1990 PROJECT LOCATION INFORMATION: Texas State: County: Nueces Center coordinates of site (latitude/longitude): 27 52 41.7142; 97 05 54.3467 Approximate size of area (parcel) reviewed, including uplands: 1.063 acre. Name of nearest waterway: Corpus Christi Bay Name of watershed: North Corpus Christi Bay JURISDICTIONAL DETERMINATION Completed: Desktop determination Date: 15 November 2005 Site visit(s) Date(s): Jurisdictional Determination (JD): Preliminary JD - Based on available information, there appear to be (or) there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331). Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply: ☐ There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: 0.014 acre. There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: <u>acre.</u> There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area. Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction. BASIS OF JURISDICTIONAL DETERMINATION: A. Waters defined under 33 CFR part 329 as "navigable waters of the United States": The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce. B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States": (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide. (2) The presence of interstate waters including interstate wetlands<sup>1</sup>. (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply): (i) which are or could be used by interstate or foreign travelers for recreational or other purposes. (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce. (iii) which are or could be used for industrial purposes by industries in interstate commerce. (4) Impoundments of waters otherwise defined as waters of the US.  $\Box$  (5) The presence of a tributary to a water identified in (1) – (4) above. (6) The presence of territorial seas. [1] (7) The presence of wetlands adjacent<sup>2</sup> to other waters of the US, except for those wetlands adjacent to other wetlands.

# FILE NUMBER: 14392(05)/1990

	teral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329)         Ordinary High Water Mark indicated by:       ☐ High Tide Line indicated by:         ☐ clear, natural line impressed on the bank       ☐ oil or scum line along shore objects         ☐ the presence of litter and debris       ☐ fine shell or debris deposits (foreshore)         ☐ changes in the character of soil       ☐ physical markings/characteristics         ☐ destruction of terrestrial vegetation       ☐ tidal gages         ☐ shelving       ☐ other:         ☐ other: hydrophytic vegetation       ☐ other:
	Mean High Water Mark indicated by:  ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types.
	Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by:
Bas	The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States:  Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons.  Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a).  Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale: Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: Other (explain):
	Maps, plans, plots or plat submitted by or on behalf of the applicant.  Data sheets prepared/submitted by or on behalf of the applicant.  This office concurs with the delineation report, dated, prepared by (company):  This office does not concur with the delineation report, dated, prepared by (company):  Data sheets prepared by the Corps.  Corps' navigable waters' studies:  U.S. Geological Survey Hydrologic Atlas:  U.S. Geological Survey 7.5 Minute Topographic maps: Estes, TX  U.S. Geological Survey 7.5 Minute Historic quadrangles:  U.S. Geological Survey 15 Minute Historic quadrangles:  U.S. Geological Survey 15 Minute Historic quadrangles:  USDA Natural Resources Conservation Service Soil Survey:  National wetlands inventory maps:  State/Local wetland inventory maps:  FEMA/FIRM maps (Map Name & Date):  100-year Floodplain Elevation is: (NGVD)  Aerial Photographs (Name & Date): USDA, 1995  Other photographs (Date):  Advanced Identification Wetland maps:  Site visit/determination conducted on:  Applicable/supporting case law:  Other information (please specify):

<sup>&</sup>lt;sup>1</sup>Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>&</sup>lt;sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

**DISTRICT OFFICE:** CESWG-PERCC **FILE NUMBER:** D-17716

<b>PROJE</b>	CT LOCA		<b>FORMATION:</b>		
Sta		TX			
	ınty:	Nueces			NAT 001 04 0 0 0 0 1 1 0 1 0 0 0 1
			te (latitude/longit		N 27 39' 34.0730", W 97 39' 1.3190"
					g uplands: 1 acres.
			ay: Petronila Cre	ek	
Nai	ne of wate	rshed:	Petronila Creek		
JURISI	DICTION	AL DETE	RMINATION		
Co	mpleted:	Desktop	determination	$\boxtimes$	Date: 15 November 2005
		Site visite	(s)		Date(s):
T	iadiation a	l Dataum:	notion (ID):		
			nation (JD):		
	United S	tates" and/			a, ☐ there appear to be (or) ☒ there appear to be no "waters of the United States" on the project site. A preliminary JD is not appealable
×		d JD – An l that apply	• •	n appealable	e action (Reference 33 CFR part 331).
			igable waters of the Approximate size		rates" (as defined by 33 CFR part 329 and associated guidance) within tional area:
	☐ There reviewed	are "wate l area. Ap	ers of the United : proximate size of	States" (as of jurisdiction	defined by 33 CFR part 328 and associated guidance) within the al area:
	☐ There	e are "isol			ate waters or wetlands" within the reviewed area.  NCC/Migratory Bird Rule Information Sheet for Determination of No.
RASIS	OF JURIS	DICTIO	NAL DETERMI	NATION:	
A.					avigable waters of the United States":
					b and flow of the tide and/or are presently used, or have been used in
<u> </u>					ort interstate or foreign commerce.
	···· ,				<u></u>
В.	Waters	defined ur	ider 33 CFR par	t 328.3(a) a	s "waters of the United States":
					used, or were used in the past, or may be susceptible to use in
					ters which are subject to the ebb and flow of the tide.
					nterstate wetlands <sup>1</sup> .
	(3) The p	resence of	f other waters suc	h as intrasta	te lakes, rivers, streams (including intermittent streams), mudflats,
	sandflats	, wetlands	, sloughs, prairie	potholes, w	et meadows, playa lakes, or natural ponds, the use, degradation or
					merce including any such waters (check all that apply):
					or foreign travelers for recreational or other purposes.
					d be taken and sold in interstate or foreign commerce.
					al purposes by industries in interstate commerce.
님					as waters of the US.
			•	vater identii	ied in (1) – (4) above.
H	(0) The p	resence o	f territorial seas. f wetlands adjace	nt <sup>2</sup> to other	waters of the US, except for those wetlands adjacent to other wetlands.
	(/) Inc	,, 555,100 0.	c.ianas aajace		

Late	ral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329) Ordinary High Water Mark indicated by:  clear, natural line impressed on the bank the presence of litter and debris changes in the character of soil destruction of terrestrial vegetation shelving other:  High Tide Line indicated by: oil or scum line along shore objects fine shell or debris deposits (foreshore) physical markings/characteristics tidal gages other:
	Mean High Water Mark indicated by:  ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types.
	Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by:
	The reviewed area consists entirely of uplands.  Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7).  Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3).  The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States:  Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3.  Artificially irrigated areas, which would revert to upland if the irrigation ceased.  Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing.  Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons.  Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a).  Isolated, intrastate wetland with no nexus to interstate commerce.  Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale:
	Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: Drainage ditch on uplands. Other (explain):  EVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply):  Maps, plans, plots or plat submitted by or on behalf of the applicant.  Data sheets prepared/submitted by or on behalf of the applicant.  This office concurs with the delineation report, dated , prepared by (company):  This office does not concur with the delineation report, dated , prepared by (company):  Data sheets prepared by the Corps.  Corps' navigable waters' studies:  U.S. Geological Survey Hydrologic Atlas:  U.S. Geological Survey 7.5 Minute Topographic maps: Driscoll East Quadrangle  U.S. Geological Survey 7.5 Minute Historic quadrangles:  U.S. Geological Survey 15 Minute Historic quadrangles:  U.S. Da Natural Resources Conservation Service Soil Survey: Nueces County  National wetlands inventory maps: Driscoll East  State/Local wetland inventory maps:  FEMA/FIRM maps (Map Name & Date):  100-year Floodplain Elevation is: (NGVD)  Aerial Photographs (Name & Date): TNRIS 1995  Other photographs (Date):  Advanced Identification Wetland maps:  Site visit/determination conducted on:  Applicable/supporting case law:  Other information (please specify):

<sup>&</sup>lt;sup>1</sup>Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>&</sup>lt;sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers **DISTRICT OFFICE: CESWG-PERCC** FILE NUMBER: D-17713 PROJECT LOCATION INFORMATION: State: TX Nueces County: N 27 34' 17.6832", W 97 27' 17.2127 Center coordinates of site (latitude/longitude): Approximate size of area (parcel) reviewed, including uplands: 1 acres. Name of nearest waterway: Petronila Creek Name of watershed: Petronila Creek JURISDICTIONAL DETERMINATION **Completed:** Desktop determination  $\boxtimes$ Date: 15 November 2005 Site visit(s) Date(s): Jurisdictional Determination (JD): Preliminary JD - Based on available information, there appear to be (or) there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331). Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply: There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area. Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction. BASIS OF JURISDICTIONAL DETERMINATION: A. Waters defined under 33 CFR part 329 as "navigable waters of the United States": The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce. B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States": (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide. (2) The presence of interstate waters including interstate wetlands<sup>1</sup>. (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply): (i) which are or could be used by interstate or foreign travelers for recreational or other purposes. (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination:

(7) The presence of wetlands adjacent to other waters of the US, except for those wetlands adjacent to other wetlands.

(iii) which are or could be used for industrial purposes by industries in interstate commerce.

(4) Impoundments of waters otherwise defined as waters of the US.(5) The presence of a tributary to a water identified in (1) – (4) above.

(6) The presence of territorial seas.

D-17713

	Ordinary High Water Mark indicated by:  I clear, natural line impressed on the bank I the presence of litter and debris I changes in the character of soil I destruction of terrestrial vegetation I shelving I other:  Ordinary High Water Mark indicated by: I High Tide Line indicated by: I oil or scum line along shore objects I fine shell or debris deposits (foreshore) I physical markings/characteristics I tidal gages I other: I other:
<u> </u>	Mean High Water Mark indicated by:  ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types.
	Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by:
	The reviewed area consists entirely of uplands.  Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7).  Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3).  The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States:  Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3.  Artificially irrigated areas, which would revert to upland if the irrigation ceased.  Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing.  Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons.  Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a).  Isolated, intrastate wetland with no nexus to interstate commerce.  Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale:
	Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: <b>Drainage ditch on uplands.</b> Other (explain):
	REVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply):  Maps, plans, plots or plat submitted by or on behalf of the applicant.  Data sheets prepared/submitted by or on behalf of the applicant.  This office concurs with the delineation report, dated , prepared by (company):  This office does not concur with the delineation report, dated , prepared by (company):  Data sheets prepared by the Corps.  Corps' navigable waters' studies:  U.S. Geological Survey Hydrologic Atlas:  U.S. Geological Survey 7.5 Minute Topographic maps: Chapman Ranch Quadrangle  U.S. Geological Survey 7.5 Minute Historic quadrangles:  U.S. Geological Survey 15 Minute Historic quadrangles:  U.S. Geological Survey 15 Minute Historic quadrangles:  U.S. Actual Resources Conservation Service Soil Survey: Nueces County  National wetlands inventory maps: Chapman Ranch  State/Local wetland inventory maps:  FEMA/FIRM maps (Map Name & Date):  100-year Floodplain Elevation is: (NGVD)  Aerial Photographs (Name & Date): TNRIS 1995  Other photographs (Date):  Advanced Identification Wetland maps:  Site visit/determination conducted on:  Applicable/supporting case law:  Other information (please specify):

Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>&</sup>lt;sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

**DISTRICT OFFICE: CESWG-PERCC** 

FILE NUMBER: D-17672

S C C A N	tate: ounty enter o pprox ame o	: coordii imate :	TX Nueconates of size of est wa	ces of site f area ( terway	(latitud parcel r: Petro	de/longit review onila Cre a Creek	ed, ii		N 27 39' 39.8696", W 97 45' 18.8867" g uplands: 1 acres.
JURIS C			Desk	ETER! top de visit(s)	termin			X I	Date: 15 November 2005 Date(s):
J	urisdi	ctiona	l Dete	rmina	tion (	JD):			
	Ur	nited St	tates"		"navi	gable wa			there appear to be (or) there appear to be no "waters of the United States" on the project site. A preliminary JD is not appealable
Σ		proved leck all			prove	d JD is a	n ap	pealable	e action (Reference 33 CFR part 331).
									ates" (as defined by 33 CFR part 329 and associated guidance) within tional area:
						United e size of			defined by 33 CFR part 328 and associated guidance) within the al area:
		There	are '	$\Gamma$		n suppor			ate waters or wetlands" within the reviewed area.  NCC/Migratory Bird Rule Information Sheet for Determination of No.
A	. <b>W</b> Th	aters o	define ence o	d under	<b>er 33 (</b> rs that	are subje	t 32 ect to	9 as "na the ebb	avigable waters of the United States": o and flow of the tide and/or are presently used, or have been used in ort interstate or foreign commerce.
	(1) int int (2) (3) sai de (4) (5) (6)	) The perstate ) The p ) The p ) The p ndflats structio   (i) w   (ii) f   (iii) ) Impo ) The p ) The p	oresen- oresen- oresen- oresen- on of which from which undmooresen- oresen-	ce of wreign ce of ince of o ands, s which are or o which if are on the ce of a ce of the ce of	vaters, omme nterstar ther w loughs could a could by ish or could waters tributaerritori	which arce, include waters age at ers suc, prairie affect into the used by the used by the used as otherwary to a value are as a seas.	re cu uding incl h as poth ersta y int are for i ise d water	rrently ug all wat luding in intrastat coles, we at e commuterstate cor could industrial efined at identifi	s "waters of the United States": used, or were used in the past, or may be susceptible to use in ters which are subject to the ebb and flow of the tide. Interstate wetlands. It lakes, rivers, streams (including intermittent streams), mudflats, et meadows, playa lakes, or natural ponds, the use, degradation or merce including any such waters (check all that apply): or foreign travelers for recreational or other purposes. If be taken and sold in interstate or foreign commerce. It purposes by industries in interstate commerce. Its waters of the US. It id in (1) – (4) above.  Waters of the US, except for those wetlands adjacent to other wetlands.

	eral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329)  Ordinary High Water Mark indicated by:  □ clear, natural line impressed on the bank □ the presence of litter and debris □ changes in the character of soil □ destruction of terrestrial vegetation □ shelving □ other: □ other: □ others
$Z_{\mathcal{A}}$	Mean High Water Mark indicated by:  ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types.
	Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by:
Bas	is For Not Asserting Jurisdiction:  The reviewed area consists entirely of uplands.  Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7).  Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3).  The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States:  Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3.  Artificially irrigated areas, which would revert to upland if the irrigation ceased.  Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing.  Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons.  Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a).  Isolated, intrastate wetland with no nexus to interstate commerce.  Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale:  Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: Drainage ditch on uplands. Other (explain):
	Citer (explain):  REVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply):  Maps, plans, plots or plat submitted by or on behalf of the applicant.  Data sheets prepared/submitted by or on behalf of the applicant.  □ This office concurs with the delineation report, dated , prepared by (company):  □ This office does not concur with the delineation report, dated , prepared by (company):  Data sheets prepared by the Corps.  Corps' navigable waters' studies:  U.S. Geological Survey Hydrologic Atlas:  U.S. Geological Survey 7.5 Minute Topographic maps: Driscoll West Quadrangle  U.S. Geological Survey 7.5 Minute Historic quadrangles:  U.S. Geological Survey 15 Minute Historic quadrangles:  U.S. Geological Survey 15 Minute Historic quadrangles:  U.S. Autural Resources Conservation Service Soil Survey: Nueces County  National wetlands inventory maps: Driscoll West  State/Local wetland inventory maps:  FEMA/FIRM maps (Map Name & Date):  100-year Floodplain Elevation is: (NGVD)  Aerial Photographs (Name & Date): TNRIS 1995  Other photographs (Date):  Advanced Identification Wetland maps:  Site visit/determination conducted on:  Applicable/supporting case law:  Other information (please specify):

Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>&</sup>lt;sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

DISTRICT OFFICE: CESWG-PERCC FILE NUMBER: D-17673 PROJECT LOCATION INFORMATION

Stai Cou Cer App Nai	te: inty: iter coordi proximate	TX Nueces nates of s size of ar est water	ite (latitude/lor ea (parcel) revi way: Petronila Petronila Cro	ngitude iewed, Creek	including	N 27 38' 58.9540", W 97 42' 56.1592" suplands: 1 acres.
			ERMINATIO determination t(s)		$\boxtimes$	Date: 15 November 2005 Date(s):
Jur	isdictiona	l Determ	ination (JD):			
	United S	tates" and	Based on availa d/or "navigable R part 331).	able in: e water	formation, s of the U	, $\square$ there appear to be (or) $\boxtimes$ there appear to be no "waters of the nited States" on the project site. A preliminary JD is not appealable
$\boxtimes$		d JD – Ai l that app		is an a	ppealable	action (Reference 33 CFR part 331).
			vigable waters Approximate			ates" (as defined by 33 CFR part 329 and associated guidance) within ional area:
			ters of the Unit			lefined by 33 CFR part 328 and associated guidance) within the al area:
	☐ There	e are "iso		ported		te waters or wetlands" within the reviewed area.  NCC/Migratory Bird Rule Information Sheet for Determination of No.
	Waters of	defined u	aters that are s	part 3 ubject	29 as "na to the ebb	avigable waters of the United States":  o and flow of the tide and/or are presently used, or have been used in art interstate or foreign commerce.
B	(1) The printerstate (2) The printerstate (3) The printerstate (3) The printerstate (3) The printerstate (4) The printerstate (5) The printerstate (4) The printerstate (5) The p	oresence of the presence of th	of waters, which commerce, is of interstate waters of other waters s, sloughs, prach could affect or could be used fish or shell e or could be used of waters other waters other waters other could be used of waters other waters other waters other could be used of waters other waters of waters other waters of waters other waters other waters other waters other waters other waters of waters other waters of waters other waters of waters other waters waters water waters water waters water waters water waters water waters water wa	ch are coincluding ters in such a such a irie po t intersed by i fish are used for erwise of a wat	currently ung all wat cluding in as intrastat tholes, we state comm interstate of e or could r industria defined a	s "waters of the United States": used, or were used in the past, or may be susceptible to use in ers which are subject to the ebb and flow of the tide. uterstate wetlands <sup>1</sup> . te lakes, rivers, streams (including intermittent streams), mudflats, et meadows, playa lakes, or natural ponds, the use, degradation or merce including any such waters (check all that apply): or foreign travelers for recreational or other purposes. be taken and sold in interstate or foreign commerce. il purposes by industries in interstate commerce. s waters of the US. ed in (1) – (4) above.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination:

(7) The presence of wetlands adjacent<sup>2</sup> to other waters of the US, except for those wetlands adjacent to other wetlands.

	Ordinary High Water Mark indicated by:  Clear, natural line impressed on the bank  Changes in the character of soil  destruction of terrestrial vegetation  shelving  other:  High Tide Line indicated by:  Oil or scum line along shore objects  fine shell or debris deposits (foreshore)  physical markings/characteristics  tidal gages  other:
\$15.50 (10.50)	Mean High Water Mark indicated by:  ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types.
	Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by:
Bas	The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States:  Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a).  Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale:
	Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: <b>Drainage ditch on uplands.</b> Other (explain):
	REVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply):  Maps, plans, plots or plat submitted by or on behalf of the applicant.  Data sheets prepared/submitted by or on behalf of the applicant.  This office concurs with the delineation report, dated , prepared by (company):  This office does not concur with the delineation report, dated , prepared by (company):  Data sheets prepared by the Corps.  Corps' navigable waters' studies:  U.S. Geological Survey Hydrologic Atlas:  U.S. Geological Survey 7.5 Minute Topographic maps: Driscoll East Quadrangle  U.S. Geological Survey 15 Minute Historic quadrangles:  U.S. Geological Survey 15 Minute Historic quadrangles:  U.S. Actual Resources Conservation Service Soil Survey: Nueces County  National wetlands inventory maps: Driscoll East  State/Local wetland inventory maps:  FEMA/FIRM maps (Map Name & Date):  100-year Floodplain Elevation is: (NGVD)  Aerial Photographs (Date):  Advanced Identification Wetland maps:  Site visit/determination conducted on:  Applicable/supporting case law:  Other information (please specify):

<sup>&</sup>lt;sup>1</sup>Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>&</sup>lt;sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

**DISTRICT OFFICE: CESWG-PERCC** 

FILE NUMBER: D-17675

oroximate ne of near	size of are	a (parcel) revie ay: Petronila C	wed, includin reek	N 27 37' 44.8429", W 97 43' 22.1621" ag uplands: 1 acres.
	Desktop	determination		Date: 15 November 2005 Date(s):
isdictiona	ıl Determi	nation (JD):		
United S	tates" and	or "navigable"	ole information waters of the	n, $\square$ there appear to be (or) $\boxtimes$ there appear to be no "waters of the United States" on the project site. A preliminary JD is not appealable
			s an appealabl	le action (Reference 33 CFR part 331).
				States" (as defined by 33 CFR part 329 and associated guidance) within ctional area:
				defined by 33 CFR part 328 and associated guidance) within the nal area:
☐ There	e are "isol			tate waters or wetlands" within the reviewed area.  ANCC/Migratory Bird Rule Information Sheet for Determination of No
Waters of The prese	defined un ence of wa	nder 33 CFR patters that are su	art 329 as "n bject to the eb	bb and flow of the tide and/or are presently used, or have been used in
(1) The printerstate (2) The printerstate (3) The printerstate (3) The printerstate (3) The printerstate (4) Printerstate (5) The print	presence of e or foreign or esence of or esence of or which are of from which are of the or which are oundments or esence of or esence of or esence of or esence of the or esenc	f waters, which n commerce, in f interstate water f other waters s , sloughs, prain ch could affect or could be used h fish or shellfi or could be us of waters other f a tributary to f territorial seas	are currently cluding all waters including uch as intrastite potholes, winterstate comd by interstate share or couled for industrivise defined a water identics.	used, or were used in the past, or may be susceptible to use in aters which are subject to the ebb and flow of the tide. interstate wetlands <sup>1</sup> . ate lakes, rivers, streams (including intermittent streams), mudflats, wet meadows, playa lakes, or natural ponds, the use, degradation or imerce including any such waters (check all that apply): or foreign travelers for recreational or other purposes. In the taken and sold in interstate or foreign commerce. In interstate commerce as waters of the US.
	recoording terms and of near the of near the of water the reviewed the reviewed the past,  Waters The press the past,  Waters (1) The press the past,  Waters (1) The press the past,  (2) The press the past,  (3) The press the past,  (4) Impo (5) The press the past,  (5) The press the past,  (6) The press the past,	ter coordinates of signoximate size of are not of nearest waterwise of watershed:  ICTIONAL DETE npleted: Desktop Site visite  Preliminary JD - B United States" and (Reference 33 CFR  Approved JD - An Check all that apply the reviewed area.    There are "navitare reviewed area. Ap    There are "isol	ter coordinates of site (latitude/long roximate size of area (parcel) reviewed of nearest waterway: Petronila Cree of watershed:  Petronila Cree of waters of the visit(s)  Indicational Determination (JD):  Preliminary JD - Based on availabe united States" and/or "navigable of (Reference 33 CFR part 331).  Approved JD - An approved JD is Check all that apply:  There are "navigable waters of the reviewed area. Approximate size of the reviewed area. Approximate size of the unitereviewed area. Approximate size of Jurisdiction.  Decision supp Jurisdiction.  OF JURISDICTIONAL DETERM Waters defined under 33 CFR per (1) The presence of waters that are sufthe past, or may be susceptible for waters defined under 33 CFR per (1) The presence of other waters sandflats, wetlands, sloughs, prair destruction of which could affect of (i) which are or could be used (ii) which are or could be used (iii) from which fish or shellfing (iii) which are or could be used (iii) from which fish or shellfing (iii) which are or could be used (iii) from which fish or shellfing (iii) which are or could be used (iii) from which fish or shellfing (iii) which are or could be used (iii) from which fish or shellfing (iii) which are or could be used (iii) from which fish or shellfing (iii) which are or could be used (5) The presence of territorial season (6) The presence of territorial season (6) The presence of territorial season (6) The presence of territorial season (7) The presence of territorial season (7	ter coordinates of site (latitude/longitude): broximate size of area (parcel) reviewed, including the of nearest waterway: Petronila Creek the of watershed:  Petronila Creek  ICTIONAL DETERMINATION Inpleted: Desktop determination Site visit(s)  Desktop determination Site visit(s)  Desktop determination Site visit(s)  Indictional Determination (JD):  Preliminary JD - Based on available information United States" and/or "navigable waters of the (Reference 33 CFR part 331).  Approved JD - An approved JD is an appealable Check all that apply:  There are "navigable waters of the United States" (as reviewed area. Approximate size of jurisdictions are viewed area. Approximate size of jurisdictions.  There are "isolated, non-navigable, intra-state of Decision supported by SW. Jurisdiction.  Designon supported by SW. Jurisdiction.  Designon supported by SW. Jurisdiction.  Designon supported by SW. Jurisdiction.  Waters defined under 33 CFR part 329 as "The presence of waters that are subject to the ethe past, or may be susceptible for use to transport waters defined under 33 CFR part 328.3(a)  (1) The presence of waters, which are currently interstate or foreign commerce, including all with the presence of other waters such as intrast sandflats, wetlands, sloughs, prairie potholes, we destruction of which could affect interstate commercial (ii) which are or could be used by interstate (iii) from which fish or shellfish are or could (iii) which are or could be used for industred (iii) which are or could be used for industred (iii) which are or could be used for industred (iii) which are or could be used for industred (iii) which are or could be used for industred (iii) which are or could be used for industred (iii) which are or could be used for industred (iii) which are or could be used for industred (iii) which are or could be used for industred (iii) which are or could be used for industred (iii) which are or could be used for industred (iii) which are or could be used for industred (iiii) which are or could be used f

D-17675

Lat	eral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329)  Ordinary High Water Mark indicated by:  clear, natural line impressed on the bank the presence of litter and debris changes in the character of soil destruction of terrestrial vegetation shelving other:  High Tide Line indicated by: oil or scum line along shore objects fine shell or debris deposits (foreshore) physical markings/characteristics tidal gages other:
30	Mean High Water Mark indicated by:  ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types.
	Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by:
Basi	The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States:  Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a). Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale:
	Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: <b>Drainage ditch on uplands.</b> Other (explain):
	EVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply):  Maps, plans, plots or plat submitted by or on behalf of the applicant.  Data sheets prepared/submitted by or on behalf of the applicant.  This office concurs with the delineation report, dated , prepared by (company):  This office does not concur with the delineation report, dated , prepared by (company):  Data sheets prepared by the Corps.  Corps' navigable waters' studies:  U.S. Geological Survey Hydrologic Atlas:  U.S. Geological Survey 7.5 Minute Topographic maps: Driscoll East Quadrangle  U.S. Geological Survey 15 Minute Historic quadrangles:  U.S. Geological Survey 15 Minute Historic quadrangles:  U.S. Geological Survey 15 Minute Historic quadrangles:  U.S. Autural Resources Conservation Service Soil Survey: Nucces County  National wetlands inventory maps: Driscoll East  State/Local wetland inventory maps:  FEMA/FIRM maps (Map Name & Date):  100-year Floodplain Elevation is: (NGVD)  Aerial Photographs (Name & Date): TNRIS 1995  Other photographs (Date):  Advanced Identification Wetland maps:  Site visit/determination conducted on:  Applicable/supporting case law:

Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>&</sup>lt;sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

**DISTRICT OFFICE:** CESWG **FILE NUMBER:** D-17788

	State Cou Cent App Nam	e: nty: ter coordi roximate	Texas Brazori nates of a size of a est water	ia site (latir rea (parc rway: Sa	MATION: tude/longicel) review in Bernard Bernard (12	aude): ed, includ River	ling	29 02' 45"N, 95 38' 27"W (NAD 27) g uplands: 0.03 acres.
		ICTIONA		p determ		⊠ ■		Date: 15 November 2005 Date(s):
	Juri	sdictiona	l Deterr	nination	(JD):			
•			tates" an	ıd/or "na	vigable w			, \( \sum_{\text{there appear to be (or)}} \sum_{\text{there appear to be no "waters of the United States"}}\) on the project site. A preliminary JD is not appealable
į	X	Approve Check al			ved JD is	ın appeala	ıble	e action (Reference 33 CFR part 331).
		☑ There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: 0.03 acres.						
								defined by 33 CFR part 328 and associated guidance) within the al area: 0.03 acres.
		■ There	e are "iso	Decis				ate waters or wetlands" within the reviewed area.  NCC/Migratory Bird Rule Information Sheet for Determination of No
BAS	is c	F JURIS	DICTIO	ONAL E	DETERM:	INATION	J.	
;	A.	Waters of	<b>defined</b> tence of v	under 3. waters th	3 CFR pa at are subj	rt 329 as ect to the	"na ebt	avigable waters of the United States": o and flow of the tide and/or are presently used, or have been used in ort interstate or foreign commerce.
	B. ⊠	(1) The printerstate (2) The property (3) The property sandflats destruction (i) volume (ii) volume (iii) volume (iii) volume (iii) volume (iiii) volume (iiii) volume (iiiiiiiiiiiiiiiiiiiiiiiiiiiiiiiiiiii	presence e or forei presence presence s, wetland on of wh which are from wh	of water ign commof inters of other ds, sloug nich could or could ich fish of	rs, which a merce, inclustate waters waters sughs, prairied affect in d be used for shellfish	re current uding all v s including ch as intra potholes, terstate co by interstate a are or co	ly uwat g ir stat we omn ite o	s "waters of the United States": used, or were used in the past, or may be susceptible to use in ters which are subject to the ebb and flow of the tide. Interstate wetlands.  It te lakes, rivers, streams (including intermittent streams), mudflats, et meadows, playa lakes, or natural ponds, the use, degradation or merce including any such waters (check all that apply): or foreign travelers for recreational or other purposes. It be taken and sold in interstate or foreign commerce. It purposes by industries in interstate commerce.
		(4) Impo (5) The p (6) The p	oundment presence presence	ts of wat of a trib of territe	ters otherw outary to a orial seas.	ise define water iden	ed a	waters of the US. ied in (1) – (4) above.  waters of the US, except for those wetlands adjacent to other wetlands.

FILE NUMBER: D-17788

	teral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329)  Ordinary High Water Mark indicated by:    clear, natural line impressed on the bank
	Mean High Water Mark indicated by:  ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types.
	Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by:
Bas	The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States:  Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and
	retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing.  Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons.  Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a).  Isolated, intrastate wetland with no nexus to interstate commerce.
	Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale:  Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: Other (explain):
DATA F	REVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply):
の の の の の の の の の の の の の の	Maps, plans, plots or plat submitted by or on behalf of the applicant.  Data sheets prepared/submitted by or on behalf of the applicant.  This office concurs with the delineation report, dated , prepared by (company):  This office does not concur with the delineation report, dated , prepared by (company):  Data sheets prepared by the Corps.  Corps' navigable waters' studies:  U.S. Geological Survey Hydrologic Atlas:  U.S. Geological Survey 7.5 Minute Topographic maps: 1972 Sweeny  U.S. Geological Survey 7.5 Minute Historic quadrangles:  U.S. Geological Survey 15 Minute Historic quadrangles:  U.S. Geological Survey 15 Minute Historic quadrangles:  U.S. Autural Resources Conservation Service Soil Survey:  National wetlands inventory maps: Sweeny (digital-based on 1992 photos)  State/Local wetland inventory maps:  FEMA/FIRM maps (Map Name & Date):  100-year Floodplain Elevation is: (NGVD)  Aerial Photographs (Name & Date): TNRIS Sweeny 1995  Other photographs (Date):  Advanced Identification Wetland maps:  Site visit/determination conducted on:  Applicable/supporting case law:
$\boxtimes$	Other information (please specify): DA permit 23190(01); CESWG Navigable Waters List

<sup>&</sup>lt;sup>1</sup>Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>&</sup>lt;sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

DISTRICT OFFICE: Galveston FILE NUMBER: 14392(05)/1991 PROJECT LOCATION INFORMATION: State: Texas County: Kleberg Center coordinates of site (latitude/longitude): 27 19 25.9275; 97 34 16.7390 Approximate size of area (parcel) reviewed, including uplands: 1.1 acre. Name of nearest waterway: Alazan Bay Name of watershed: Baffin Bay JURISDICTIONAL DETERMINATION Completed: Desktop determination  $\boxtimes$ Date: 16 November 2005 Site visit(s) 72 Date(s): Jurisdictional Determination (JD): Preliminary JD - Based on available information, \( \subseteq \text{ there appear to be (or) } \subseteq \text{ there appear to be no "waters of the or the content of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331). Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply: There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: 0.034 acre. There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: \_\_acre. There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area. Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction. BASIS OF JURISDICTIONAL DETERMINATION: A. Waters defined under 33 CFR part 329 as "navigable waters of the United States": The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce. B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States": (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide. (2) The presence of interstate waters including interstate wetlands. (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply): (i) which are or could be used by interstate or foreign travelers for recreational or other purposes. (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce. (iii) which are or could be used for industrial purposes by industries in interstate commerce. (4) Impoundments of waters otherwise defined as waters of the US.  $\Box$  (5) The presence of a tributary to a water identified in (1) – (4) above. (6) The presence of territorial seas. (7) The presence of wetlands adjacent<sup>2</sup> to other waters of the US, except for those wetlands adjacent to other wetlands.

# FILE NUMBER: 14392(05)/1991

Lat	teral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329)  Ordinary High Water Mark indicated by:  □ clear, natural line impressed on the bank □ the presence of litter and debris □ changes in the character of soil □ destruction of terrestrial vegetation □ shelving □ other: hydrophytic vegetation
$\boxtimes$	Mean High Water Mark indicated by:  ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types.
134	Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by:
Bas	The reviewed area consists entirely of uplands.  Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7).  Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3).  The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States:  Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3.  Artificially irrigated areas, which would revert to upland if the irrigation ceased.  Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing.  Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons.  Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a).  Isolated, intrastate wetland with no nexus to interstate commerce.  Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale:  Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale:  Other (explain):
$\bowtie$	Maps, plans, plots or plat submitted by or on behalf of the applicant.  Data sheets prepared/submitted by or on behalf of the applicant.  This office concurs with the delineation report, dated, prepared by (company):  This office does not concur with the delineation report, dated, prepared by (company):  Data sheets prepared by the Corps.  Corps' navigable waters' studies:  U.S. Geological Survey Hydrologic Atlas:  U.S. Geological Survey 7.5 Minute Topographic maps: Kleberg Point, TX  U.S. Geological Survey 7.5 Minute Historic quadrangles:  U.S. Geological Survey 15 Minute Historic quadrangles:  U.S. Geological Survey 15 Minute Historic quadrangles:  U.S. Data Natural Resources Conservation Service Soil Survey:  National wetlands inventory maps:  State/Local wetland inventory maps:  FEMA/FIRM maps (Map Name & Date):  100-year Floodplain Elevation is: (NGVD)  Aerial Photographs (Name & Date): USDA, 1995  Other photographs (Date):  Advanced Identification Wetland maps:  Site visit/determination conducted on:  Applicable/supporting case law:  Other information (please specify):

<sup>&</sup>lt;sup>1</sup>Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>&</sup>lt;sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

**DISTRICT OFFICE:** CESWG **FILE NUMBER:** D-17878

	CT LOCATION INFORMATION:							
Stat								
Cen 3) N27.8 7) N27.8 11) N27. App Nan	Inty: Nueces  Iter coordinates of site (latitude/longitude):  1) N27.84548 W97.51206;  2) N27.84906 W97.50434;  4949 W97.50367;  4) N27.85033 W97.50238;  5) N27.85033 W97.50236;  6) N27.85263 W97.49886;  55474 W97.49540;  8) N27.85486 W97.49524;  9) N27.85545 W97.49435;  10) N27.85670 W97.49255;  85776 W97.49084 12) N27.85877 W97.48928 13) N27.85935 W97.48837  14) N27.86092 W97.48595  broximate size of area (parcel) reviewed, including uplands: 28.0 acres.  the of nearest waterway: Nueces Bay  the of watershed:  Nueces River							
HIRISD	OICTIONAL DETERMINATION							
	mpleted: Desktop determination							
Jur	isdictional Determination (JD):							
	Preliminary JD - Based on available information, $\square$ there appear to be (or) $\square$ there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).							
$\boxtimes$	Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:							
	☑ There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: 20.0 acres.							
	☑ <i>There are</i> "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: 8.0 acres.							
	☐ There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.  ☐ Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.							
BASIS (	OF JURISDICTIONAL DETERMINATION:							
	Waters defined under 33 CFR part 329 as "navigable waters of the United States":  The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.							
⊠ ⊠	Waters defined under 33 CFR part 328.3(a) as "waters of the United States":  (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.  (2) The presence of interstate waters including interstate wetlands.							
Ш	(3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):  (i) which are or could be used by interstate or foreign travelers for recreational or other purposes.  (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.							
	<ul> <li>(iii) which are or could be used for industrial purposes by industries in interstate commerce.</li> <li>(4) Impoundments of waters otherwise defined as waters of the US.</li> <li>(5) The presence of a tributary to a water identified in (1) – (4) above.</li> <li>(6) The presence of territorial seas.</li> <li>(7) The presence of wetlands adjacent² to other waters of the US, except for those wetlands adjacent to other wetlands.</li> </ul>							
Rat	Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional							

D-17878

Lat	ordinary High Water Mark indicated by:  clear, natural line impressed on the bank the presence of litter and debris changes in the character of soil destruction of terrestrial vegetation shelving other:	High Tide Line indicated by: oil or scum line along shore objects fine shell or debris deposits (foreshore) physical markings/characteristics tidal gages other:
⊠	Mean High Water Mark indicated by:  ☐ survey to available datum; ☐ physical markings; ☐ vege	etation lines/changes in vegetation types.
	Wetland boundaries, as shown on the attached wetland delinear	ation map and/or in a delineation report prepared by:
Bas	the purpose of obtaining fill, sand, or gravel unless and	3 CFR part 328.3(a)(3). owing waters present on the site are not Waters of the lagoons, pursuant to 33 CFR part 328.3. diff the irrigation ceased. diking dry land to collect and arposes as stock watering, irrigation, settling basins, or ornamental bodies of water created reprimarily aesthetic reasons. to construction activity and pits excavated in dry land for until the construction or excavation operation is effinition of waters of the United States found at 33 CFR commerce. Resources Conservation Service. Explain rationale:
	EVIEWED FOR JURSIDICTIONAL DETERMINATION  Maps, plans, plots or plat submitted by or on behalf of the applicant  Data sheets prepared/submitted by or on behalf of the applicant  This office concurs with the delineation report, dated  This office does not concur with the delineation report, dated  This office does not concur with the delineation report, dated  Data sheets prepared by the Corps.  Corps' navigable waters' studies:  U.S. Geological Survey Hydrologic Atlas:  U.S. Geological Survey 7.5 Minute Topographic maps: Annavi  U.S. Geological Survey 7.5 Minute Historic quadrangles:  U.S. Geological Survey 15 Minute Historic quadrangles:  U.S. Geological Survey 15 Minute Historic quadrangles:  U.S. Actual Resources Conservation Service Soil Survey: N  National wetlands inventory maps: Annaville, TX and Corpus C  State/Local wetland inventory maps:  FEMA/FIRM maps (Map Name & Date):  100-year Floodplain Elevation is: (NGVD)  Aerial Photographs (Name & Date): GLO 2002  Other photographs (Date):  Advanced Identification Wetland maps:  Site visit/determination conducted on:  Applicable/supporting case law:  Other information (please specify):	icant.  , prepared by (company): ed , prepared by (company): lle, TX and Corpus Christi, TX  ueces County

<sup>&</sup>lt;sup>1</sup>Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>&</sup>lt;sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

**DISTRICT OFFICE:** CESWG FILE NUMBER: 09669(12)/049

Stat Cou	inty: Nueces					
App Nar	nter coordinates of site (latitude/longitude): N27.81552 W97.17238 proximate size of area (parcel) reviewed, including uplands: 18.0 acres. ne of nearest waterway: Corpus Christi Bay ne of watershed: Corpus Christi Bay					
	DICTIONAL DETERMINATION  unpleted: Desktop determination					
Jur	isdictional Determination (JD):					
	Preliminary JD - Based on available information, $\square$ there appear to be (or) $\square$ there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).					
×	Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:					
	There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: 18.0 acres.					
	There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:					
	☐ There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.  □ Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.					
BASIS (	OF JURISDICTIONAL DETERMINATION:					
A.	Waters defined under 33 CFR part 329 as "navigable waters of the United States":  The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.					
В. П	Waters defined under 33 CFR part 328.3(a) as "waters of the United States":  (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.  (2) The presence of interstate waters including interstate wetlands <sup>1</sup> .					
	<ul> <li>(3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):</li> <li>(i) which are or could be used by interstate or foreign travelers for recreational or other purposes.</li> <li>(ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.</li> <li>(iii) which are or could be used for industrial purposes by industries in interstate commerce.</li> </ul>					
	<ul> <li>(4) Impoundments of waters otherwise defined as waters of the US.</li> <li>(5) The presence of a tributary to a water identified in (1) – (4) above.</li> <li>(6) The presence of territorial seas.</li> <li>(7) The presence of wetlands adjacent² to other waters of the US, except for those wetlands adjacent to other wetlands.</li> </ul>					

2

Lat	Ordinary High Water Mark indicated by:  Clear, natural line impressed on the bank  the presence of litter and debris  changes in the character of soil  destruction of terrestrial vegetation  shelving  ordinary High Water Mark indicated by:  High Tide Line indicated by:  oil or scum line along shore objects  fine shell or debris deposits (foreshore)  physical markings/characteristics  tidal gages  other:
	Mean High Water Mark indicated by:  ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types.
	Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by:
Bas	The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States:  Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons.  Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a).  Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale:  Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale:
DATA F ⊠ □	Other (explain):  REVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply):  Maps, plans, plots or plat submitted by or on behalf of the applicant.  Data sheets prepared/submitted by or on behalf of the applicant.
	Data sheets prepared/submitted by or on benair of the applicant.  This office concurs with the delineation report, dated , prepared by (company):  This office does not concur with the delineation report, dated , prepared by (company):  Data sheets prepared by the Corps.  Corps' navigable waters' studies:  U.S. Geological Survey Hydrologic Atlas:  U.S. Geological Survey 7.5 Minute Topographic maps: Port Ingleside, TX  U.S. Geological Survey 15 Minute Historic quadrangles:  U.S. Geological Survey 15 Minute Historic quadrangles:  U.S. Autural Resources Conservation Service Soil Survey:  National wetlands inventory maps:  State/Local wetland inventory maps:  FEMA/FIRM maps (Map Name & Date):  100-year Floodplain Elevation is: (NGVD)  Aerial Photographs (Name & Date): GLO 2002  Other photographs (Date):  Advanced Identification Wetland maps:  Site visit/determination conducted on:  Applicable/supporting case law:  Other information (please specify):

<sup>&</sup>lt;sup>1</sup>Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>&</sup>lt;sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

**DISTRICT OFFICE:** Galveston District

FILE NUMBER: D-17030

PROJI	ECT LOCA	ATION IN	FORMATION:		
St	ate:	Texas			
	ounty:	Cameron			
			te (latitude/longitud		25-54-29.45 97-30-46.58
				l, including	g uplands: approx. 13 acres.
			ay: Town Resaca		
Na	ame of wate	rshed:	Rio Grande		
JURIS	DICTIONA	AL DETE	RMINATION		
			determination	$\boxtimes$	Date: 16 November 2005
	•	Site visite		ā	Date(s):
		3110 71311	(0)	E-0/21	Date(5).
Ju	risdictiona	l Determi	nation (JD):		
	Prelimina	ary JD - B	ased on available in	nformation	, $\square$ there appear to be (or) $\square$ there appear to be no "waters of the
					nited States" on the project site. A preliminary JD is not appealable
			part 331).		
177	1	1 ID 1		1 - 1 - 1 - 1	(D.C
$\boxtimes$		d ID - An l that apply		appearable	e action (Reference 33 CFR part 331).
	Check an	т шас аррг	у.		
	☐ There	are "navi	gable waters of the	United Sta	ates" (as defined by 33 CFR part 329 and associated guidance) within
			Approximate size		
				_	
					defined by 33 CFR part 328 and associated guidance) within the
	reviewed	area. App	proximate size of ju	ırisdictiona	al area: less than 0.50 acre.
	Thara	ara "isol	atad non-navigahl	a intra sta	te waters or wetlands" within the reviewed area.
	Ппете				NCC/Migratory Bird Rule Information Sheet for Determination of No.
			Jurisdiction.	u by 5 W A	Need wing ration y Bird Rule information sheet for Betermination of W
BASIS			NAL DETERMIN		
<u>A</u> .					vigable waters of the United States":
					and flow of the tide and/or are presently used, or have been used in
	the past,	or may be	susceptible for use	to transpo	rt interstate or foreign commerce.
D	Watawa	defined ur	day 22 CED mout	220 2(a) a	s "waters of the United States":
B. ∇					ised, or were used in the past, or may be susceptible to use in
	interstate	or foreign	commerce includ	ing all wat	ters which are subject to the ebb and flow of the tide.
	(2) The n	or foreigi presence of	f interstate waters in	ncluding ir	sterstate wetlands 1
<u> </u>					te lakes, rivers, streams (including intermittent streams), mudflats,
<u> </u>					et meadows, playa lakes, or natural ponds, the use, degradation or
			• • •		nerce including any such waters (check all that apply):
					or foreign travelers for recreational or other purposes.
					be taken and sold in interstate or foreign commerce.
	(iii)	which are	or could be used for	or industria	al purposes by industries in interstate commerce.
		undments	of waters otherwise	e defined a	s waters of the US.
$\boxtimes$				ter identifi	ed in (1) – (4) above.
	(6) The p	resence of	f territorial seas.	, .	
L	j (7) The p	resence of	wetlands adjacent	to other v	vaters of the US, except for those wetlands adjacent to other wetlands

	FILE NUMBER: D-17030
	eral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329)  Ordinary High Water Mark indicated by:  ☐ High Tide Line indicated by: ☐ oil or scum line along shore objects ☐ the presence of litter and debris ☐ changes in the character of soil ☐ destruction of terrestrial vegetation ☐ shelving ☐ other: ☐ other:
iù,	Mean High Water Mark indicated by: ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types.
	Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by:
Bas	is For Not Asserting Jurisdiction:  The reviewed area consists entirely of uplands.  Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7).  Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3).  The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States:  Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3.  Artificially irrigated areas, which would revert to upland if the irrigation ceased.  Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing.  Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons.  Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a).  Isolated, intrastate wetland with no nexus to interstate commerce.  Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale:  Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale:
$\boxtimes$	CEVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply):  Maps, plans, plots or plat submitted by or on behalf of the applicant.  Data sheets prepared/submitted by or on behalf of the applicant.  This office concurs with the delineation report, dated , prepared by (company):  This office does not concur with the delineation report, dated , prepared by (company):  Data sheets prepared by the Corps.  Corps' navigable waters' studies:  U.S. Geological Survey Hydrologic Atlas:  U.S. Geological Survey 7.5 Minute Topographic maps: East and West Brownsville  U.S. Geological Survey 7.5 Minute Historic quadrangles:  U.S. Geological Survey 15 Minute Historic quadrangles:  U.S. Geological Survey 15 Minute Historic quadrangles:  U.S. Datural Resources Conservation Service Soil Survey: Cameron  National wetlands inventory maps: East and West Brownsville  State/Local wetland inventory maps:  FEMA/FIRM maps (Map Name & Date): City of Brownsville, Community Panel 480103 0025 B December 1, 1978 100-year Floodplain Elevation is: (NGVD)  Aerial Photographs (Name & Date):  Other photographs (Date):  Advanced Identification Wetland maps:  Site visit/determination conducted on:  Applicable/supporting case law:  Other information (please specify):

Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>&</sup>lt;sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

**DISTRICT OFFICE:** CESWG-PERCC **FILE NUMBER:** D-17744

PROJE	CT LOCA	ATION !	INFORMA	ΓΙΟΝ:						
	te:	TX								
	unty:	Nueces								
	Center coordinates of site (latitude/longitude): N 27 39' 31.1103", W 97 44' 48.0754"  Approximate size of area (parcel) reviewed, including uplands: 1 acres.									
					including	g uplands: 1 acres.				
	me of near		rway: Petron Petronila							
INA	ine or wate	asneu.	renomia	CIECK						
JURISI	DICTION	AL DET	<b>TERMINAT</b>	ION						
Co	mpleted:	Deskto	p determinat	tion	$\boxtimes$	Date: 16 November 2005				
		Site vis	sit(s)			Date(s):				
Ju	risdictiona	ıl Deteri	mination (JI	D):						
г			•	•	fammatian	[] 4h 4- h - (on) [X] 4h				
Ц	United S	States" ar	nd/or "naviga FR part 331)	able water	s of the U	, \( \text{there appear to be (or)} \) \( \text{there appear to be no "waters of the Inited States"} \) on the project site. A preliminary JD is not appealable				
×	Approve Check al			JD is an a	ppealable	e action (Reference 33 CFR part 331).				
	☐ There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:									
	☐ There	e are "wa 1 area. <i>A</i>	aters of the U	Jnited Sta size of ju	tes" (as d	defined by 33 CFR part 328 and associated guidance) within the all area:				
	☐ There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.  ☐ Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of Jurisdiction.									
DACIC	OF HIDIS	CDICTIO	ONAL DET	EDMINIA	TION.					
						ivigable waters of the United States":				
	The pres	ence of v	waters that a	re subject	to the ebb	o and flow of the tide and/or are presently used, or have been used in rt interstate or foreign commerce.				
В.	Waters	defined	under 33 C	FR nart 3	28 3(a) as	s "waters of the United States":				
	(1) The 1	oresence	of waters, w	hich are c	currently u	used, or were used in the past, or may be susceptible to use in				
						ers which are subject to the ebb and flow of the tide.				
3.						iterstate wetlands <sup>1</sup> .				
						te lakes, rivers, streams (including intermittent streams), mudflats,				
						et meadows, playa lakes, or natural ponds, the use, degradation or				
						nerce including any such waters (check all that apply):				
						or foreign travelers for recreational or other purposes.				
		(ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.								
_		(iii) which are or could be used for industrial purposes by industries in interstate commerce.  (4) Impoundments of waters otherwise defined as waters of the US.								
님						s waters of the US. ed in $(1) - (4)$ above.				
H			of a tributar		er identiff	cu III (1) – (4) above.				
ك	(O) THE	Presence	or territorial	scas.						

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination:

(7) The presence of wetlands adjacent<sup>2</sup> to other waters of the US, except for those wetlands adjacent to other wetlands.

D-17744

La	teral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329)  Ordinary High Water Mark indicated by:  clear, natural line impressed on the bank the presence of litter and debris changes in the character of soil destruction of terrestrial vegetation shelving other:  High Tide Line indicated by: oil or scum line along shore objects fine shell or debris deposits (foreshore) physical markings/characteristics tidal gages other:								
2007. 1 2007. 1	Mean High Water Mark indicated by:  ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types.								
927	Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by:								
Bas	The reviewed area consists entirely of uplands.  Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7).  Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3).  The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States:  Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3.  Artificially irrigated areas, which would revert to upland if the irrigation ceased.  Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing.  Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons.  Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a).  Isolated, intrastate wetland with no nexus to interstate commerce.  Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale:								
	Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: <b>Drainage ditch on uplands.</b> Other (explain):								
	REVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply):  Maps, plans, plots or plat submitted by or on behalf of the applicant.  Data sheets prepared/submitted by or on behalf of the applicant.  This office concurs with the delineation report, dated , prepared by (company):  This office does not concur with the delineation report, dated , prepared by (company):  Data sheets prepared by the Corps.  Corps' navigable waters' studies:  U.S. Geological Survey Hydrologic Atlas:  U.S. Geological Survey 7.5 Minute Topographic maps: Driscoll East Quadrangle  U.S. Geological Survey 15 Minute Historic quadrangles:  U.S. Geological Survey 15 Minute Historic quadrangles:  U.S. Geological Survey 15 Minute Historic quadrangles:  U.S. Data Historic quadrangles:  U.S. Geological Survey 15 Minute Historic quadrangles:  U.S. Geological Survey 16 Minute Historic quadrangles:  U.S. Geological Survey 16 Minute Historic quadrangles:  U.S. Geological Survey 17.5 Minute Historic quadrangles:  U.S. Geological Survey 18 Minute Historic quad								

Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>&</sup>lt;sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

**DISTRICT OFFICE:** CESWG-PERCC

FILE NUMBER: D-17748

Sta Co Ce Ap Na	te: TX unty: Nu nter coordinates proximate size	eces s of site (latitude/longitud of area (parcel) reviewed, /aterway: Petronila Creek	including	N 27 43' 28. 9899", W 97 43' 30.3538" uplands: 1 acres.		
	mpleted: Des	DETERMINATION sktop determination e visit(s)	×	Date: 16 November 2005 Date(s):		
Ju	risdictional De	termination (JD):				
	United States	D - Based on available in " and/or "navigable water 3 CFR part 331).	formation, s of the U	there appear to be (or) there appear to be no "waters of the nited States" on the project site. A preliminary JD is not appealable		
⊠	Approved JD Check all that		ppealable	action (Reference 33 CFR part 331).		
	There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) with the reviewed area. Approximate size of jurisdictional area:					
	☐ There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:					
	☐ There are	"isolated, non-navigable, Decision supported Jurisdiction.	intra-stat	te waters or wetlands" within the reviewed area. NCC/Migratory Bird Rule Information Sheet for Determination of No		
A.	Waters defin The presence	of waters that are subject	29 as "na to the ebb	vigable waters of the United States": and flow of the tide and/or are presently used, or have been used in tinterstate or foreign commerce.		
B.	(1) The preser interstate or for (2) The preser (3) The preser sandflats, wet destruction of (i) which (ii) from (iii) which (4) Impoundmr (5) The preser (6) The preser	nce of waters, which are coreign commerce, including the of interstate waters induce of other waters such a lands, sloughs, prairie pot which could affect inters are or could be used by inwhich fish or shellfish are hare or could be used for the of waters otherwise are of a tributary to a water could ferritorial seas.	urrently u ng all wate cluding in s intrastate tholes, wet tate comm nterstate o e or could industrial defined as er identific	e lakes, rivers, streams (including intermittent streams), mudflats, a meadows, playa lakes, or natural ponds, the use, degradation or herce including any such waters (check all that apply): r foreign travelers for recreational or other purposes. be taken and sold in interstate or foreign commerce. purposes by industries in interstate commerce.		

Lat	teral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329)  Ordinary High Water Mark indicated by:  Clear, natural line impressed on the bank the presence of litter and debris changes in the character of soil destruction of terrestrial vegetation shelving other:  High Tide Line indicated by:  Gillor scum line along shore objects fine shell or debris deposits (foreshore) physical markings/characteristics tidal gages other:								
	Mean High Water Mark indicated by:  ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types.								
	Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by:								
Bas	The reviewed area consists entirely of uplands.  Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7).  Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3).  The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States:  Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3.  Artificially irrigated areas, which would revert to upland if the irrigation ceased.  Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing.  Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons.  Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a).  Isolated, intrastate wetland with no nexus to interstate commerce.  Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale:								
	Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: <b>Drainage ditch on uplands.</b> Other (explain):								
	REVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply):  Maps, plans, plots or plat submitted by or on behalf of the applicant.  Data sheets prepared/submitted by or on behalf of the applicant.  This office concurs with the delineation report, dated , prepared by (company):  This office does not concur with the delineation report, dated , prepared by (company):  Data sheets prepared by the Corps.  Corps' navigable waters' studies:  U.S. Geological Survey Hydrologic Atlas:  U.S. Geological Survey 7.5 Minute Topographic maps: Driscoll East Quadrangle  U.S. Geological Survey 15 Minute Historic quadrangles:  U.S. Geological Survey 15 Minute Historic quadrangles:  U.S. Acological Survey 15 Minute Historic quadrangles:  U.S. Historic quadrangles:  U.S. Geological Survey 15 Minute Historic quadrangles:  U.S. Geological Survey 16 Minute Historic quadrangles:  U.S. Geological Survey 17 Minute Historic quadrangles:  U.S. Geological Survey 17 Minute Historic quadrangles:  U.S. Geological Survey 18 Minute Historic quadrangles:  U.S. Geological Survey 18 Minute Historic quadrangles:  U.S. Geological Survey 18 Minute Historic quadrangles								

<sup>&</sup>lt;sup>1</sup>Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>&</sup>lt;sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

**DISTRICT OFFICE:** CESWG-PERCC

FILE NUMBER: D-17743

			NFORMATION:		
Sta		TX			
	•	Nueces			
			ite (latitude/longitu		N 27 46' 6.3495"
			ea (parcel) reviewe		g uplands: 1 acres.
	me of neares		vay: Petronila Cree	K	
ina	me of waters	snea:	Petronila Creek		
JURISI	DICTIONA	L DETE	ERMINATION		
Co	mpleted:	Desktop	determination	$\boxtimes$	Date: 16 November 2005
	:	Site visi	t(s)	A	Date(s):
			, ,		· /
Jui	risdictional	Determ	ination (JD):		
	United Sta	ites" and			n, ☐ there appear to be (or) ☒ there appear to be no "waters of the United States" on the project site. A preliminary JD is not appealable
$\boxtimes$	Approved Check all			appealable	e action (Reference 33 CFR part 331).
			rigable waters of the Approximate size		rates" (as defined by 33 CFR part 329 and associated guidance) within tional area:
			ers of the United S oproximate size of j		defined by 33 CFR part 328 and associated guidance) within the al area:
		are "iso.			ate waters or wetlands" within the reviewed area.  NCC/Migratory Bird Rule Information Sheet for Determination of No.
RASIS	OF JURIST	OCTIO	NAL DETERMIN	JATION:	
A.	Waters de The preser	efined unce of wa	nder 33 CFR part aters that are subject	329 as "na	avigable waters of the United States": b and flow of the tide and/or are presently used, or have been used in out interstate or foreign commerce.
В.	Waters de	efined u	nder 33 CFR nart	328 3(a) a	s "waters of the United States":
ñ					used, or were used in the past, or may be susceptible to use in
					ters which are subject to the ebb and flow of the tide.
			f interstate waters		
	(3) The pr	esence o	of other waters such	as intrasta	te lakes, rivers, streams (including intermittent streams), mudflats,
					et meadows, playa lakes, or natural ponds, the use, degradation or
					merce including any such waters (check all that apply):
					or foreign travelers for recreational or other purposes.
					be taken and sold in interstate or foreign commerce.
-					al purposes by industries in interstate commerce.
님					as waters of the US.
님				ater identif	ied in (1) – (4) above.
H			of territorial seas.	t <sup>2</sup> to other .	waters of the US, except for those wetlands adjacent to other wetlands.
ت ا	(7) The pr	escrice 0	n wettands adjacen	i to other v	waters of the 65, except for those wettands adjacent to other wettands.

Lat	Ordinary High Water Mark indicated by:  Clear, natural line impressed on the bank  the presence of litter and debris  changes in the character of soil  destruction of terrestrial vegetation  shelving  other:  High Tide Line indicated by:  Gil or scum line along shore objects  fine shell or debris deposits (foreshore)  physical markings/characteristics  tidal gages  other:
	Mean High Water Mark indicated by:  ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types.
हेद	Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by:
Bas	The reviewed area consists entirely of uplands.  Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7).  Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3).  The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States:  Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3.  Artificially irrigated areas, which would revert to upland if the irrigation ceased.  Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing.  Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons.  Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a).  Isolated, intrastate wetland with no nexus to interstate commerce.  Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale:
	Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: <b>Drainage ditch on uplands.</b> Other (explain):
$\boxtimes$	EVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply):  Maps, plans, plots or plat submitted by or on behalf of the applicant.  Data sheets prepared/submitted by or on behalf of the applicant.  This office concurs with the delineation report, dated , prepared by (company):  This office does not concur with the delineation report, dated , prepared by (company):  Data sheets prepared by the Corps.  Corps' navigable waters' studies:  U.S. Geological Survey Hydrologic Atlas:  U.S. Geological Survey 7.5 Minute Topographic maps: Robstown Quadrangle  U.S. Geological Survey 7.5 Minute Historic quadrangles:  U.S. Geological Survey 15 Minute Historic quadrangles:  U.S. Geological Survey 15 Minute Historic quadrangles:  U.S. Autural Resources Conservation Service Soil Survey: Nucces County  National wetlands inventory maps: Robstown  State/Local wetland inventory maps:  FEMA/FIRM maps (Map Name & Date):  100-year Floodplain Elevation is: (NGVD)  Aerial Photographs (Name & Date): TNRIS 1995  Other photographs (Date):  Advanced Identification Wetland maps:  Site visit/determination conducted on:  Applicable/supporting case law:  Other information (please specify):

<sup>&</sup>lt;sup>1</sup>Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>&</sup>lt;sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

**DISTRICT OFFICE: CESWG-PERCC** 

FILE NUMBER: D-17720

Star Cov Cer App Nar	te: TX  Inty: Nueces Inter coordinates of site (latitude/longitude) Inter coordinates of area (parcel) reviewed Inter of nearest waterway: Petronila Creek Inter of watershed: Petronila Creek	l, including	N 27 36' 28.7448", W 97 43' 44.4935" g uplands: 1 acres.
	pictional Determination mpleted: Desktop determination Site visit(s)	$\boxtimes$	Date: 16 November 2005 Date(s):
Jur	isdictional Determination (JD):		
			there appear to be (or) there appear to be no "waters of the United States" on the project site. A preliminary JD is not appealable
☒	Approved JD – An approved JD is an Check all that apply:	appealable	e action (Reference 33 CFR part 331).
	There are "navigable waters of the the reviewed area. Approximate size		ates" (as defined by 33 CFR part 329 and associated guidance) within tional area:
	There are "waters of the United St reviewed area. Approximate size of ju		defined by 33 CFR part 328 and associated guidance) within the al area:
			ate waters or wetlands" within the reviewed area.  NCC/Migratory Bird Rule Information Sheet for Determination of No.
		329 as "nate to the ebl	avigable waters of the United States": b and flow of the tide and/or are presently used, or have been used in ort interstate or foreign commerce.
B	interstate or foreign commerce, include (2) The presence of interstate waters in (3) The presence of other waters such sandflats, wetlands, sloughs, prairie pot destruction of which could affect inter (i) which are or could be used by (ii) from which fish or shellfish a (iii) which are or could be used for (4) Impoundments of waters otherwise (5) The presence of a tributary to a water of the presence of territorial seas.	currently ling all wa neluding in as intrasta otholes, we estate comminterstate re or could or industriate defined a ter identif	used, or were used in the past, or may be susceptible to use in ters which are subject to the ebb and flow of the tide.  Interstate wetlands <sup>1</sup> .  Ite lakes, rivers, streams (including intermittent streams), mudflats, et meadows, playa lakes, or natural ponds, the use, degradation or merce including any such waters (check all that apply):  For foreign travelers for recreational or other purposes.  If be taken and sold in interstate or foreign commerce.  For purposes by industries in interstate commerce.  For each of the US.

D-17720

La	teral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329)  Ordinary High Water Mark indicated by:  clear, natural line impressed on the bank the presence of litter and debris changes in the character of soil destruction of terrestrial vegetation shelving ordinary High Water Mark indicated by: High Tide Line indicated by: oil or scum line along shore objects fine shell or debris deposits (foreshore) physical markings/characteristics tidal gages other:								
	Mean High Water Mark indicated by: ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types.								
	Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by:								
Ba:	The reviewed area consists entirely of uplands.  Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7).  Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3).  The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States:  Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3.  Artificially irrigated areas, which would revert to upland if the irrigation ceased.  Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing.  Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons.  Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a).  Isolated, intrastate wetland with no nexus to interstate commerce.  Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale:								
	Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: <b>Drainage ditch on uplands.</b> Other (explain):								
$\boxtimes$	Maps, plans, plots or plat submitted by or on behalf of the applicant.  Data sheets prepared/submitted by or on behalf of the applicant.  This office concurs with the delineation report, dated prepared by (company):  This office does not concur with the delineation report, dated prepared by (company):  Data sheets prepared by the Corps.  Corps' navigable waters' studies:  U.S. Geological Survey Hydrologic Atlas:  U.S. Geological Survey 7.5 Minute Topographic maps: Concordia Quadrangle  U.S. Geological Survey 15 Minute Historic quadrangles:  U.S. Geological Survey 15 Minute Historic quadrangles:  U.S. Geological Survey 15 Minute Historic quadrangles:  U.S. A Geological Survey 15 Minute Historic quadrangles:  U.S. Geological Survey 16 Minute Historic quadrangles:  U.S. Geological Survey 16 Minute Historic								

Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>&</sup>lt;sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

DISTRICT OFFICE: CESWG-PERCC FILE NUMBER: D-17719

(6) The presence of territorial seas.

PROJE:		ON INFORMATION:		
Cor Cer Ap <sub>l</sub> Nar	unty: Nuc nter coordinates proximate size	eces s of site (latitude/longit of area (parcel) review vaterway: Petronila Cre	ed, includir eek	N 27 36' 31.4102", W 97 43' 48.1105" ag uplands: 1 acres.
	mpleted: Des	DETERMINATION sktop determination e visit(s)		Date: 16 November 2005 Date(s):
Jur	isdictional De	termination (JD):		
	United States			n, $\square$ there appear to be (or) $\boxtimes$ there appear to be no "waters of the United States" on the project site. A preliminary JD is not appealable
$\boxtimes$	Approved JD Check all that	• •	an appealab	le action (Reference 33 CFR part 331).
		"navigable waters of tarea. Approximate siz		states" (as defined by 33 CFR part 329 and associated guidance) within ctional area:
		"waters of the United a. Approximate size of		defined by 33 CFR part 328 and associated guidance) within the nal area:
	☐ There are			tate waters or wetlands" within the reviewed area.  ANCC/Migratory Bird Rule Information Sheet for Determination of No
A.	Waters define The presence	of waters that are subj	rt 329 as "n ect to the eb	navigable waters of the United States":  bb and flow of the tide and/or are presently used, or have been used in ort interstate or foreign commerce.
в. 	(1) The prese interstate or f (2) The prese (3) The prese sandflats, wet destruction of (i) which (ii) from (iii) which (4) Impoundr	ence of waters, which a foreign commerce, included ince of interstate waters ence of other waters such tlands, sloughs, prairie of which could affect in a re or could be used by which fish or shellfish	re currently uding all was including the as intrast potholes, was terstate comby interstate are or could for industrate defined	ate lakes, rivers, streams (including intermittent streams), mudflats, vet meadows, playa lakes, or natural ponds, the use, degradation or imerce including any such waters (check all that apply): or foreign travelers for recreational or other purposes. d be taken and sold in interstate or foreign commerce. ial purposes by industries in interstate commerce. as waters of the US.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination:

(7) The presence of wetlands adjacent<sup>2</sup> to other waters of the US, except for those wetlands adjacent to other wetlands.

La	teral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329)  Ordinary High Water Mark indicated by:  clear, natural line impressed on the bank the presence of litter and debris changes in the character of soil destruction of terrestrial vegetation shelving ordinary High Water Mark indicated by: High Tide Line indicated by: oil or scum line along shore objects fine shell or debris deposits (foreshore) physical markings/characteristics tidal gages other:
	Mean High Water Mark indicated by: ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types.
V2.	Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by:
Bai	The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States:  Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a).  Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale:  Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: Drainage ditch on uplands.
DATA I	Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: Drainage ditch on uplands.  Other (explain):  REVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply):
	Maps, plans, plots or plat submitted by or on behalf of the applicant.  Data sheets prepared/submitted by or on behalf of the applicant.  This office concurs with the delineation report, dated , prepared by (company):  This office does not concur with the delineation report, dated , prepared by (company):  Data sheets prepared by the Corps.  Corps' navigable waters' studies:  U.S. Geological Survey Hydrologic Atlas:  U.S. Geological Survey 7.5 Minute Topographic maps: Concordia Quadrangle  U.S. Geological Survey 1.5 Minute Historic quadrangles:  U.S. Geological Survey 1.5 Minute Historic quadrangles:  U.S. Geological Survey 1.5 Minute Historic quadrangles:  U.S. Actual Resources Conservation Service Soil Survey: Nueces County  National wetlands inventory maps: Concordia  State/Local wetland inventory maps:  FEMA/FIRM maps (Map Name & Date):  100-year Floodplain Elevation is: (NGVD)  Aerial Photographs (Name & Date): TNRIS 1995  Other photographs (Date):  Advanced Identification Wetland maps:  Site visit/determination conducted on:  Applicable/supporting case law:  Other information (please specify):

<sup>&</sup>lt;sup>1</sup>Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>&</sup>lt;sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

**DISTRICT OFFICE: CESWG-PERCC** 

FILE NUMBER: D-17718

Stat Cou Cen App Nar	te: TX unty: Nu iter coordinate proximate size	ecces es of site (latitude/longitud of area (parcel) reviewed, waterway: Petronila Creek	including	N 27 36' 36.2991", W 97 41' 29.7671" uplands: 1 acres.
	mpleted: De	DETERMINATION esktop determination to visit(s)	×	Date: 16 November 2005 Date(s):
Jur	isdictional De	etermination (JD):		
	United States			there appear to be (or) there appear to be no "waters of the nited States" on the project site. A preliminary JD is not appealable
$\boxtimes$	Approved JE Check all tha		appealable	action (Reference 33 CFR part 331).
	☐ <i>There are</i> "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:			
		e "waters of the United Sta a. Approximate size of ju		efined by 33 CFR part 328 and associated guidance) within the all area:
	☐ There are			te waters or wetlands" within the reviewed area.  NCC/Migratory Bird Rule Information Sheet for Determination of No
Α.	Waters defined The presence	of waters that are subject	329 as "na to the ebb	vigable waters of the United States": and flow of the tide and/or are presently used, or have been used in tinterstate or foreign commerce.
B.	(1) The prese interstate or (2) The prese (3) The prese sandflats, we destruction (ii) whic (iii) from (iii) whi (4) Impound (5) The prese (6) The prese	ence of waters, which are of foreign commerce, including ence of interstate waters in ence of other waters such a stlands, sloughs, prairie poof which could affect inters hare or could be used by a which fish or shellfish are ich are or could be used forments of waters otherwise ence of a tributary to a waterne of territorial seas.	currently using all water cluding in as intrastated tholes, we state comminterstate or could reindustrial defined as ter identification.	e lakes, rivers, streams (including intermittent streams), mudflats, t meadows, playa lakes, or natural ponds, the use, degradation or herce including any such waters (check all that apply): or foreign travelers for recreational or other purposes. be taken and sold in interstate or foreign commerce. I purposes by industries in interstate commerce.

Lat	Ordinary High Water Mark indicated by:    Clear, natural line impressed on the bank   High Tide Line indicated by:   Clear, natural line impressed on the bank   Oil or scum line along shore objects   fine shell or debris deposits (foreshore)   Changes in the character of soil   Changes in the character of soil   Changes in the character of soil   Changes   Changes								
<b>公</b> ····	Mean High Water Mark indicated by:  ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types.								
	Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by:								
Bas	The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States:  Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3.  Artificially irrigated areas, which would revert to upland if the irrigation ceased.  Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing.  Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons.  Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a).  Isolated, intrastate wetland with no nexus to interstate commerce.  Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale:								
	Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: <b>Drainage ditch on uplands.</b> Other (explain):								
	REVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply):  Maps, plans, plots or plat submitted by or on behalf of the applicant.  Data sheets prepared/submitted by or on behalf of the applicant.  This office concurs with the delineation report, dated , prepared by (company):  This office does not concur with the delineation report, dated , prepared by (company):  Data sheets prepared by the Corps.  Corps' navigable waters' studies:  U.S. Geological Survey Hydrologic Atlas:  U.S. Geological Survey 7.5 Minute Topographic maps: Concordia Quadrangle  U.S. Geological Survey 15 Minute Historic quadrangles:  U.S. Geological Survey 15 Minute Historic quadrangles:  U.S. Actional wetlands inventory maps: Concordia  State/Local wetland inventory maps:  FEMA/FIRM maps (Map Name & Date):  100-year Floodplain Elevation is: (NGVD)  Aerial Photographs (Date):  Advanced Identification Wetland maps:  Site visit/determination conducted on:  Applicable/supporting case law:  Other information (please specify):								

<sup>&</sup>lt;sup>1</sup>Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>&</sup>lt;sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

**DISTRICT OFFICE:** CESWG-PERCC

FILE NUMBER: D-17717

ECT LOCATION INFORMAT ate: TX	ION:	
ounty: Nueces inter coordinates of site (latitude/ proximate size of area (parcel) r ime of nearest waterway: Petroni	eviewed, includin la Creek	N 27 37' 7.8710", W 97 41' 59.3059" ag uplands: 1 acres.
		Date: 16 November 2005 Date(s):
risdictional Determination (JD	):	
Preliminary JD - Based on ava United States" and/or "navigat (Reference 33 CFR part 331).	ilable information ble waters of the U	n, $\square$ there appear to be (or) $\boxtimes$ there appear to be no "waters of the United States" on the project site. A preliminary JD is not appealable
Approved JD – An approved J Check all that apply:	D is an appealable	e action (Reference 33 CFR part 331).
There are "navigable water the reviewed area. Approxima	s of the United St te size of jurisdic	tates" (as defined by 33 CFR part 329 and associated guidance) within tional area:
There are "waters of the Urreviewed area. Approximate s	nited States" (as o	defined by 33 CFR part 328 and associated guidance) within the nal area:
Decision s	apported by SWA	ate waters or wetlands" within the reviewed area.  ANCC/Migratory Bird Rule Information Sheet for Determination of No.
The presence of waters that are	subject to the ebb	b and flow of the tide and/or are presently used, or have been used in
(1) The presence of waters, wh interstate or foreign commerce (2) The presence of interstate v (3) The presence of other water sandflats, wetlands, sloughs, predestruction of which could affer (i) which are or could be u (ii) from which fish or she (iii) which are or could be (4) Impoundments of waters of (5) The presence of a tributary (6) The presence of territorial s	ich are currently unicluding all waters including in second as intrastated in items are potholes, we continue the common sed by interstate common in items are or could used for industriated and items are identified as.	used, or were used in the past, or may be susceptible to use in ters which are subject to the ebb and flow of the tide.  Interstate wetlands.  It to lakes, rivers, streams (including intermittent streams), mudflats, et meadows, playa lakes, or natural ponds, the use, degradation or merce including any such waters (check all that apply):  For foreign travelers for recreational or other purposes.  It be taken and sold in interstate or foreign commerce.  It purposes by industries in interstate commerce.
	nte: TX unty: Nueces nter coordinates of site (latitude/ proximate size of area (parcel) re me of nearest waterway: Petroni me of watershed: Petronila (  DICTIONAL DETERMINATI mpleted: Desktop determination Site visit(s)  Preliminary JD - Based on ava United States" and/or "navigat (Reference 33 CFR part 331).  Approved JD - An approved J. Check all that apply:  There are "navigable water the reviewed area. Approximate si  There are "waters of the Un reviewed area. Approximate si  There are "isolated, non-no Decision so Jurisdiction  DF JURISDICTIONAL DETE Waters defined under 33 CFI (1) The presence of waters that are the past, or may be susceptible  Waters defined under 33 CFI (1) The presence of interstate w (3) The presence of other water sandflats, wetlands, sloughs, pr destruction of which could affe (i) which are or could be u (ii) from which fish or she (iii) which are or could be u (iii) which are or could be u (iii) from which fish or she (iii) which are or could be u (iii) mpoundments of waters of (5) The presence of a tributary (6) The presence of territorial s	unty: Nueces  nter coordinates of site (latitude/longitude):  proximate size of area (parcel) reviewed, including me of nearest waterway: Petronila Creek  me of watershed: Petronila Creek  DICTIONAL DETERMINATION  mpleted: Desktop determination     Site visit(s)  risdictional Determination (JD):  Preliminary JD - Based on available information United States" and/or "navigable waters of the United States" and/or "navigable waters of the United States and/or "navigable waters of the United State and

Lat	Ordinary High Water Mark indicated by:  Clear, natural line impressed on the bank  Changes in the character of soil  destruction of terrestrial vegetation  shelving  ordinary High Water Mark indicated by:  High Tide Line indicated by:  Oil or scum line along shore objects  fine shell or debris deposits (foreshore)  physical markings/characteristics  tidal gages  other:
	Mean High Water Mark indicated by:  ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types.
\$\$C.	Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by:
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	Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: Drainage ditch on uplands. Other (explain):  REVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply):  Maps, plans, plots or plat submitted by or on behalf of the applicant.  Data sheets prepared/submitted by or on behalf of the applicant.  This office concurs with the delineation report, dated prepared by (company):  This office does not concur with the delineation report, dated prepared by (company):  Data sheets prepared by the Corps.  Corps' navigable waters' studies:  U.S. Geological Survey Hydrologic Atlas:  U.S. Geological Survey 7.5 Minute Topographic maps: Concordia Quadrangle  U.S. Geological Survey 7.5 Minute Historic quadrangles:  U.S. Geological Survey 15 Minute Historic quadrangles:  U.S. Datural Resources Conservation Service Soil Survey: Nueces County  National wetlands inventory maps: Concordia  State/Local wetland inventory maps:  FEMA/FIRM maps (Map Name & Date):  100-year Floodplain Elevation is: (NGVD)  Aerial Photographs (Name & Date): TNRIS 1995  Other photographs (Name & Date): TNRIS 1995  Other photographs (Date):  Advanced Identification Wetland maps:  Site visit/determination conducted on:  Applicable/supporting case law:  Other information (please specify):

<sup>&</sup>lt;sup>1</sup>Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>&</sup>lt;sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

**DISTRICT OFFICE:** CESWG **FILE NUMBER:** 23972

PRO	Stat Cou Cen App Nan	inty: ter coordii proximate s	Texas Matagore nates of si size of are est waterv	da te (latitudo a (parcel) /ay: Unnai	e/longitude	including ary to Cral	28 40' 43"N, 96 04' 18"W (NAD 83) guplands: 147 acres. b Bayou
JUR		ICTIONA npleted:		determina		⊠ □	Date: 16 November 2005 Date(s):
	Juri	isdictional	l Determi	nation (J	D):		
	×	United St	tates" and	ased on avoig for "navigate part 331)	able waters	formation, s of the U	there appear to be (or) there appear to be no "waters of the nited States" on the project site. A preliminary JD is not appealable
		Approved Check all			JD is an a	ppealable	action (Reference 33 CFR part 331).
							ates" (as defined by 33 CFR part 329 and associated guidance) within ional area: acres.
		There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: acres.					
		There	are "isol		supported		te waters or wetlands" within the reviewed area.  NCC/Migratory Bird Rule Information Sheet for Determination of No
BAS	<u>A.</u>	Waters d	l <b>efined u</b> i ence of wa	nder 33 C ters that a	re subject t	29 as "nato the ebb	vigable waters of the United States": and flow of the tide and/or are presently used, or have been used in the interstate or foreign commerce.
		(1) The p interstate (2) The p (3) The p sandflats, destruction (i) w (ii) f (iii) (4) Import (5) The p (6) The p	resence or foreign resence or wetlands on of which are or which which are undments resence or resence or resence or resence or control or foreign resence or resence	f waters, we commerce for the restate for the restate for the restate for could after could be fish or sould the fish or	which are cope, includired waters incoperaters such as prairie pot effect intersted used by inhellfish are one used for otherwise only to a water l seas.	urrently using all water cluding into a intrastate tholes, wet that communiterstate of correction or could industrial defined as a ridentification.	sed, or were used in the past, or may be susceptible to use in ers which are subject to the ebb and flow of the tide. terstate wetlands <sup>1</sup> .  e lakes, rivers, streams (including intermittent streams), mudflats, t meadows, playa lakes, or natural ponds, the use, degradation or herce including any such waters (check all that apply): or foreign travelers for recreational or other purposes. be taken and sold in interstate or foreign commerce. I purposes by industries in interstate commerce. I purposes by industries in interstate commerce.  see waters of the US.
		(/) The p	i Cocilee O	wenanus	aujaceni	ouici W	vaters of the US, except for those wetlands adjacent to other wetlands

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: An unnamed tributary to Crab Lake, a navigable water of the United States, is located on the site. Crab Lake flows to Crab Bayou, which flows to the Gulf Intracoastal Canal (GIWW). Both Crab Bayou and the GIWW are navigable waters of the United States. Wetlands appear to be contiguous with the unnamed tributary and are also located in close proximity to the unnamed tributary (within the 100 year floodzone). Therefore, the wetlands are adjacent to the unnamed tributary.

**FILE NUMBER: 23972** 

Ls	ateral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329)
×	Ordinary High Water Mark indicated by:  Clear, natural line impressed on the bank  Oil or scum line along shore objects
	changes in the character of soil  physical markings/characteristics
	destruction of terrestrial vegetation
	shelving other: aerial photograph other: photos provided on 20 October 2005
	☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types.
	Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by:
Ba	sis For Not Asserting Jurisdiction:
님	The reviewed area consists entirely of uplands.
	Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7).
日	Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3).  The Corps has made a case-specific determination that the following waters present on the site are not Waters of the
	United States:
	Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3.
	Artificially irrigated areas, which would revert to upland if the irrigation ceased
	Artificial lakes and ponds created by excavating and/or diking dry land to collect and
	retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing.
	Artificial reflecting or swimming pools or other small ornamental bodies of water created
	by excavating and/or diking dry land to retain water for primarily aesthetic reasons
	Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for
	the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a).
	Isolated, intrastate wetland with no nexus to interstate commerce
	Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale:
	Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale:  Other (explain):
DATA	REVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply):
	Maps, plans, plots or plat submitted by or on behalf of the applicant.
	Data sheets prepared/submitted by or on behalf of the applicant.  This office concurs with the delineation report, dated , prepared by (company):
	This office concurs with the delineation report, dated , prepared by (company):  This office does not concur with the delineation report, dated , prepared by (company):
	Data sheets prepared by the Corps.
	Corps' navigable waters' studies:
	U.S. Geological Survey Hydrologic Atlas:
Ħ	U.S. Geological Survey 7.5 Minute Topographic maps: 1995 Palacios NE U.S. Geological Survey 7.5 Minute Historic quadrangles:
	U.S. Geological Survey 15 Minute Historic quadrangles:
×	USDA Natural Resources Conservation Service Soil Survey: Matagorda County (digital)
×	National wetlands inventory maps: Palacios NE (digital-based on 1992 photo)
曷	State/Local wetland inventory maps: FEMA/FIRM maps (Map Name & Date): FEMA Q3 data (1996 or 1998)
	100-year Floodplain Elevation is: (NGVD)
$\boxtimes$	Aerial Photographs (Name & Date): TNRIS Palacios NE DOOO 1995
×	Other photographs (Date): Site Photographs received 20 October 2005
	Advanced Identification Wetland maps:
	Site visit/determination conducted on: Applicable/supporting case law:
	Other information (please specify): CESWG Navigable Waters List
	A I / I WILLIAM IN LIST

<sup>&</sup>lt;sup>1</sup>Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>&</sup>lt;sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

**DISTRICT OFFICE:** CESWG FILE NUMBER: 14392(05)/1992

		T LOCA		INFO	RMAT	ION:					
	tate		TX								
	Cour		Refug				,	NOO OO LEE THOSE LELLE			
		er coordi						N28.02447 W97.15447			
	Approximate size of area (parcel) reviewed, including uplands: 1.25 acres.  Name of nearest waterway: Port Bay										
						ıy					
r	vam	e of wate	rsnea:	Po	rt Bay						
JURI	SDI	CTION	AL DE	ΓERM	IINATI	ON					
		pleted:					$\boxtimes$	Date: 11/17/05			
		•	Site vi	-			同	Date(s):			
			Site VI	311(3)			<u> </u>	Date(5).			
J	uri	sdictiona	l Deter	minati	ion (JD	):					
[			tates" a	nd/or'	'navigal			, \( \subseteq \text{ there appear to be (or) } \subseteq  there appear to be no "waters of the Inited States" on the project site. A preliminary JD is not appealable			
		Approve Check al			proved J	D is an a	ppealable	e action (Reference 33 CFR part 331).			
								ates" (as defined by 33 CFR part 329 and associated guidance) within tional area: 0.15 acres.			
							tes" (as d	defined by 33 CFR part 328 and associated guidance) within the all area:			
		☐ There	e are "i.	De		upported		ate waters or wetlands" within the reviewed area.  NCC/Migratory Bird Rule Information Sheet for Determination of No.			
RASI	s o	F JURIS	DICTI	ONAI	. DETE	CRMINA	TION:				
								avigable waters of the United States":			
	$\times$	The pres	ence of	waters	that are	subject	to the ebb	o and flow of the tide and/or are presently used, or have been used in ort interstate or foreign commerce.			
I	3.	Waters	defined	undei	r 33 CF	R part 3	28.3(a) a	s "waters of the United States":			
								used, or were used in the past, or may be susceptible to use in			
								ters which are subject to the ebb and flow of the tide.			
								nterstate wetlands <sup>1</sup> .			
Ŀ								te lakes, rivers, streams (including intermittent streams), mudflats,			
								et meadows, playa lakes, or natural ponds, the use, degradation or			
								nerce including any such waters (check all that apply): or foreign travelers for recreational or other purposes.			
								I be taken and sold in interstate or foreign commerce.			
		_ ` '						al purposes by industries in interstate commerce.			
Г	2							is waters of the US.			
ř								sided in $(1) - (4)$ above.			
ř		(6) The p	oresence	e of ter	ritorial	seas.					
Ī	Ī	(7) The r	oresence	e of we	tlands a	adjacent <sup>2</sup>	to other v	waters of the US, except for those wetlands adjacent to other wetlands			
		_									

2

Lat	Ordinary High Water Mark indicated by:  clear, natural line impressed on the bank the presence of litter and debris changes in the character of soil destruction of terrestrial vegetation shelving other:		Higl	h Tide Line indicated by: oil or scum line along shore objects fine shell or debris deposits (foreshore)
	Mean High Water Mark indicated by:  ☐ survey to available datum; ☐ physical markings; ☐ v	/egeta	tion	lines/changes in vegetation types.
	Wetland boundaries, as shown on the attached wetland del	ineati	on n	nap and/or in a delineation report prepared by:
Bas	The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 3. Headquarters declined to approve jurisdiction on the basis. The Corps has made a case-specific determination that the United States:  Waste treatment systems, including treatment pond Artificially irrigated areas, which would revert to u Artificial lakes and ponds created by excavating an retain water and which are used exclusively for suc rice growing.  Artificial reflecting or swimming pools or other sm by excavating and/or diking dry land to retain water Water-filled depressions created in dry land incider the purpose of obtaining fill, sand, or gravel unless abandoned and the resulting body of water meets the 328.3(a).  Isolated, intrastate wetland with no nexus to interstate Prior converted cropland, as determined by the Nate Non-tidal drainage or irrigation ditches excavated of Other (explain):	of 33 follows or la pland d/or d h purpall or rall to and use definate coural R	CFR wing agoo if the liking pose. The contract of the contract	R part 328.3(a)(3).  R waters present on the site are not Waters of the irrigation ceased.  R g dry land to collect and site as stock watering, irrigation, settling basins, or s
	Maps, plans, plots or plat submitted by or on behalf of the a Data sheets prepared/submitted by or on behalf of the appli This office concurs with the delineation report, dated This office does not concur with the delineation report, Data sheets prepared by the Corps.  Corps' navigable waters' studies:  U.S. Geological Survey Hydrologic Atlas:  U.S. Geological Survey 7.5 Minute Topographic maps: Bay U.S. Geological Survey 7.5 Minute Historic quadrangles:  U.S. Geological Survey 15 Minute Historic quadrangles:  U.S. Geological Survey 16 Minute Historic quadrangles:  U.S. Geological Survey 16 Minute Historic quadrangles:  U.S. Geological Survey 16 Minute Historic quadrangles:  U.S. Geological Su	applic cant. , dated //side,	ant. pre <sub>l</sub>	k all that apply):  pared by (company):  , prepared by (company):

Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>&</sup>lt;sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

**DISTRICT OFFICE:** CESWG-PERCC

FILE NUMBER: D-17747

<b>PROJE</b>	CT LOCAT	ION IN	NFORMATION:		
Sta	te:	ГХ			
	-	Nueces			
			ite (latitude/longitud		N 27 45' 13.3719", W 97 43' 30.8187
			ea (parcel) reviewed		g uplands: 1 acres.
			way: Petronila Creel	(	
Na	me of waters	hed:	Petronila Creek		
HIRISI	DICTIONAL	(. DETE	ERMINATION		
			determination	$\boxtimes$	Date: 17 November 2005
	-	Site visit			Date(s):
		one visi	u(s)	<u> </u>	Date(3).
Ju	risdictional	Determ	ination (JD):		
	Preliminar	y JD - E	Based on available in	nformation	, $\square$ there appear to be (or) $\boxtimes$ there appear to be no "waters of the
	United Sta	tes" and	l/or "navigable wate	rs of the U	Inited States" on the project site. A preliminary JD is not appealable
	(Reference	33 CFI	R part 331).		
573					(D. A
$\boxtimes$				appealable	e action (Reference 33 CFR part 331).
	Check all t	hat app	ly:		
	Thara	ara "nas	igable waters of the	Linited St	ates" (as defined by 33 CFR part 329 and associated guidance) within
			Approximate size		
	1110 10 110 11	ca arca.	ripproximate size	or jurisure	inontal area.
	☐ There o	are "wat	ters of the United St	ates" (as	defined by 33 CFR part 328 and associated guidance) within the
			proximate size of ju		
		_			
	☐ There of	are "iso			ate waters or wetlands" within the reviewed area.
			• •	d by SWA	NCC/Migratory Bird Rule Information Sheet for Determination of No
			Jurisdiction.		
DACIC	OF HIDIOD	NOTIO	NAI DETERMIN	ATION.	
			NAL DETERMIN		avigable waters of the United States":
<b>A</b> . □					o and flow of the tide and/or are presently used, or have been used in
لنبا					ort interstate or foreign commerce.
	the past, of	i may be	c susceptible for use	to transpe	nterstate of foreign commerce.
В.	Waters de	fined u	nder 33 CFR part	328.3(a) a	s "waters of the United States":
					used, or were used in the past, or may be susceptible to use in
	interstate o	or foreig	n commerce, includ	ling all wa	ters which are subject to the ebb and flow of the tide.
	(2) The pro	esence c	of interstate waters i	ncluding i	nterstate wetlands <sup>1</sup> .
					te lakes, rivers, streams (including intermittent streams), mudflats,
	sandflats,	wetland	s, sloughs, prairie p	otholes, we	et meadows, playa lakes, or natural ponds, the use, degradation or
					merce including any such waters (check all that apply):
					or foreign travelers for recreational or other purposes.
					be taken and sold in interstate or foreign commerce.
					al purposes by industries in interstate commerce.
			of waters otherwise		
Ц			•	iter identif	ied in (1) – (4) above.
Щ			of territorial seas.	2 4 41	
L	(/) The pro	esence o	or wettands adjacent	to other	waters of the US, except for those wetlands adjacent to other wetlands

La( ₽	teral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329)  Ordinary High Water Mark indicated by:  Clear, natural line impressed on the bank the presence of litter and debris changes in the character of soil destruction of terrestrial vegetation shelving ordinary High Water Mark indicated by: High Tide Line indicated by: oil or scum line along shore objects fine shell or debris deposits (foreshore) physical markings/characteristics tidal gages other:
	Mean High Water Mark indicated by:  ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types.
	Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by:
Bas	The reviewed area consists entirely of uplands.  Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7).  Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3).  The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States:  Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3.  Artificially irrigated areas, which would revert to upland if the irrigation ceased.  Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing.  Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons.  Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a).  Isolated, intrastate wetland with no nexus to interstate commerce.  Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale:  Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: Drainage ditch on uplands.  Other (explain):
	Maps, plans, plots or plat submitted by or on behalf of the applicant.  Data sheets prepared/submitted by or on behalf of the applicant.  This office concurs with the delineation report, dated , prepared by (company):  This office does not concur with the delineation report, dated , prepared by (company):  Data sheets prepared by the Corps.  Corps' navigable waters' studies:  U.S. Geological Survey Hydrologic Atlas:  U.S. Geological Survey 7.5 Minute Topographic maps: Robstown Quadrangle  U.S. Geological Survey 7.5 Minute Historic quadrangles:  U.S. Geological Survey 15 Minute Historic quadrangles:  U.S. Geological Survey 15 Minute Historic quadrangles:  U.S. Autural Resources Conservation Service Soil Survey: Nueces County  National wetlands inventory maps: Robstown  State/Local wetland inventory maps: Robstown  State/Local wetland inventory maps: (NGVD)  Aerial Photographs (Map Name & Date): TNRIS 1995  Other photographs (Date):  Advanced Identification Wetland maps:  Site visit/determination conducted on:  Applicable/supporting case law:  Other information (please specify):

<sup>&</sup>lt;sup>1</sup>Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>&</sup>lt;sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

**DISTRICT OFFICE: CESWG-PERCC** 

FILE NUMBER: D-17746

			DRMATION:				
Stat							
		ieces			N. 05. 441.4 4500H, NI 05. 401.00 5045H		
			latitude/longitud		N 27 46' 6.4702", W 97 43' 30.7845"		
					guplands: 1 acres.		
			: Petronila Creek				
Nar	ne of watershe	ea: Po	etronila Creek				
	ICTIONAL I						
Coi	npleted: De	sktop det	ermination	$\boxtimes$	Date: 17 November 2005		
	Sit	e visit(s)			Date(s):		
Jur	isdictional De	etermina	tion (JD):				
П	Preliminary J	ID - Base	d on available in	formation	, $\square$ there appear to be (or) $\boxtimes$ there appear to be no "waters of the		
	United States (Reference 3	s" and/or	"navigable water	rs of the U	nited States" on the project site. A preliminary JD is not appealable		
☒	Approved JD Check all that		proved JD is an	appealable	e action (Reference 33 CFR part 331).		
			ble waters of the oproximate size of		ates" (as defined by 33 CFR part 329 and associated guidance) within ional area:		
	☐ There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:						
	☐ There are	D			ete waters or wetlands" within the reviewed area.  NCC/Migratory Bird Rule Information Sheet for Determination of No		
BASIS (	OF JURISDIC	CTIONA	L DETERMIN	ATION:			
					avigable waters of the United States":		
	The presence	of water	s that are subject	to the ebb	o and flow of the tide and/or are presently used, or have been used in or interstate or foreign commerce.		
В.	Waters defin	ned und	er 33 CFR part :	328.3(a) a	s "waters of the United States":		
					ised, or were used in the past, or may be susceptible to use in		
_					ters which are subject to the ebb and flow of the tide.		
님					nterstate wetlands <sup>1</sup> .		
Ц					te lakes, rivers, streams (including intermittent streams), mudflats,		
	sandilats, we	mands, s	ougns, prairie po	otnoies, we	et meadows, playa lakes, or natural ponds, the use, degradation or nerce including any such waters (check all that apply):		
	destruction o	n which (	could affect inter	state comi	or foreign travelers for recreational or other purposes.		
	(1) Which	n are or c	ould be used by	interstate (	be taken and sold in interstate or foreign commerce.		
					I purposes by industries in interstate commerce.		
П					s waters of the US.		
吊					sed in $(1) - (4)$ above.		
H			rritorial seas.	identili	(-) (') 400'4'		
一百	(7) The prese	ence of w	etlands adjacent	to other v	waters of the US, except for those wetlands adjacent to other wetlands.		
			•		•		

La	teral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329)  Ordinary High Water Mark indicated by:  clear, natural line impressed on the bank the presence of litter and debris changes in the character of soil destruction of terrestrial vegetation shelving other:  High Tide Line indicated by: oil or scum line along shore objects fine shell or debris deposits (foreshore) physical markings/characteristics tidal gages other:
<b>198</b>	Mean High Water Mark indicated by: ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types.
	Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by:
Bas □ □	The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States:  Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3.  Artificially irrigated areas, which would revert to upland if the irrigation ceased.  Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing.  Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons.  Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a).  Isolated, intrastate wetland with no nexus to interstate commerce.  Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale:
	Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: <b>Drainage ditch on uplands.</b> Other (explain):
	REVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply):  Maps, plans, plots or plat submitted by or on behalf of the applicant.  Data sheets prepared/submitted by or on behalf of the applicant.  This office concurs with the delineation report, dated , prepared by (company):  This office does not concur with the delineation report, dated , prepared by (company):  Data sheets prepared by the Corps.  Corps' navigable waters' studies:  U.S. Geological Survey Hydrologic Atlas:  U.S. Geological Survey 7.5 Minute Topographic maps: Robstown Quadrangle  U.S. Geological Survey 15 Minute Historic quadrangles:  U.S. Geological Survey 15 Minute Historic quadrangles:  U.S. Geological Survey 15 Minute Historic quadrangles:  U.S. Geological Survey 15 Minute Historic soil Survey: Nueces County  National wetlands inventory maps: Robstown  State/Local wetland inventory maps:  FEMA/FIRM maps (Map Name & Date):  100-year Floodplain Elevation is: (NGVD)  Aerial Photographs (Name & Date): TNRIS 1995  Other photographs (Date):  Advanced Identification Wetland maps:  Site visit/determination conducted on:  Applicable/supporting case law:  Other information (please specify):

<sup>&</sup>lt;sup>1</sup>Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>&</sup>lt;sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

**DISTRICT OFFICE: CESWG-PERCC** 

FILE NUMBER: D-17745	FIL	E	N	JMI	BER:	D-1	7	745
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			NFORMATION:		
	tate:	TX			
	ounty:	Nueces			N. 05 45 05 060 N. W. 05 41 0 4060 N
A N	pproximat	e size of ar rest water	site (latitude/longitud ea (parcel) reviewed way: Petronila Creek Petronila Creek	, including	N 27 47' 25.9631", W 97 41' 9.4063" g uplands: 1 acres.
JURIS	SDICTION	IAL DETI	ERMINATION		
			determination	$\boxtimes$	Date: 17 November 2005 Date(s):
J	urisdiction	al Determ	nination (JD):		
	United	States" and			n, ☐ there appear to be (or) ☒ there appear to be no "waters of the United States" on the project site. A preliminary JD is not appealable
Σ		ed JD – A all that app		appealable	e action (Reference 33 CFR part 331).
			vigable waters of the Approximate size of		ates" (as defined by 33 CFR part 329 and associated guidance) within tional area:
			ters of the United Stapproximate size of ju		defined by 33 CFR part 328 and associated guidance) within the al area:
	☐ The	re are "iso			ate waters or wetlands" within the reviewed area. NCC/Migratory Bird Rule Information Sheet for Determination of No.
BASIS	OF JUR	SDICTIO	NAL DETERMIN	ATION:	
	The pre	sence of w	aters that are subject	t to the ebl	avigable waters of the United States": b and flow of the tide and/or are presently used, or have been used in ort interstate or foreign commerce.
	] (1) The	presence	of waters, which are	currently	us "waters of the United States": used, or were used in the past, or may be susceptible to use in ters which are subject to the ebb and flow of the tide.
	(2) The (3) The sandfla destruc	presence of presence of ts, wetland tion of who	of interstate waters in of other waters such ls, sloughs, prairie po ich could affect inter	ncluding in as intrasta otholes, we state com	
	(ii (ii) (4) Imp (5) The (6) The	) from whi i) which ar coundment presence of presence of	ch fish or shellfish and the or could be used for soft waters otherwise of a tributary to a way of territorial seas.	re or could or industria e defined a ter identif	d be taken and sold in interstate or foreign commerce. al purposes by industries in interstate commerce.

D-11745

Lat	ordinary High Water Mark indicated by:  clear, natural line impressed on the bank the presence of litter and debris changes in the character of soil destruction of terrestrial vegetation shelving other:  High Tide Line indicated by: oil or scum line along shore objects fine shell or debris deposits (foreshore) physical markings/characteristics tidal gages other:
8.4	Mean High Water Mark indicated by:  ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types.
a* ]	Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by:
Bas	The reviewed area consists entirely of uplands.  Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7).  Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3).  The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States:  Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3.  Artificially irrigated areas, which would revert to upland if the irrigation ceased.  Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing.  Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons.  Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a).  Isolated, intrastate wetland with no nexus to interstate commerce.  Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale:
	Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: <b>Drainage ditch on uplands.</b> Other (explain):
	EVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply:  Maps, plans, plots or plat submitted by or on behalf of the applicant.  Data sheets prepared/submitted by or on behalf of the applicant.  This office concurs with the delineation report, dated , prepared by (company):  This office does not concur with the delineation report, dated , prepared by (company):  Data sheets prepared by the Corps.  Corps' navigable waters' studies:  U.S. Geological Survey Hydrologic Atlas:  U.S. Geological Survey 7.5 Minute Topographic maps: Robstown Quadrangle  U.S. Geological Survey 15 Minute Historic quadrangles:  U.S. Geological Survey 15 Minute Historic quadrangles:  U.S. Geological Survey 15 Minute Historic quadrangles:  U.S. Dealogical Survey 15 Minute Historic quadrangles:  U.S. Geological Survey 16 Minute

<sup>&</sup>lt;sup>1</sup>Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>&</sup>lt;sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

**DISTRICT OFFICE:** CESWG **FILE NUMBER:** SWG-05-12-034

PR	OJECT	LOCATION	INFORMATION:
$\mathbf{n}$	OJECI	LUCATION	HITOKWA HON.

State: Texas County: Chambers

Center coordinates of site (latitude/longitude): Start: Lat:29.36.20 Long: 94.49.11 End: Lat: 29.35.26 Long:

94.51.33

Approximate size of area (parcel) reviewed, including uplands: 0.5 acres.

Name of nearest waterway: Galveston Bay Name of watershed: Galveston Bay

### JURISDICTIONAL DETERMINATION

Completed: Desktop determination Date: 17 November 2005

Site visit(s) Date(s):

#### Jurisdictional Determination (JD):

Preliminary JD - Based on available information, there appear to be (or) there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).

Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:

There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.

Decision supported by SWANCC/Migratory Bird Rule Information Sheet for

Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.

#### BASIS OF JURISDICTIONAL DETERMINATION:

- A. Waters defined under 33 CFR part 329 as "navigable waters of the United States":
- The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.
- B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States":
- (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.
  - (2) The presence of interstate waters including interstate wetlands<sup>1</sup>.
  - (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):
    - (i) which are or could be used by interstate or foreign travelers for recreational or other purposes.
  - (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.
  - (iii) which are or could be used for industrial purposes by industries in interstate commerce.
- (4) Impoundments of waters otherwise defined as waters of the US.
  - (5) The presence of a tributary to a water identified in (1) (4) above.
- (6) The presence of territorial seas.
  - (7) The presence of wetlands adjacent<sup>2</sup> to other waters of the US, except for those wetlands adjacent to other wetlands.

L.	Ordi	Extent of Jurisdiction: (Reference: 33 CFR part nary High Water Mark indicated by: clear, natural line impressed on the bank the presence of litter and debris changes in the character of soil destruction of terrestrial vegetation shelving other:		FILE NUMBER: SWG-05-12-034 th Tide Line indicated by: oil or scum line along shore objects fine shell or debris deposits (foreshore) physical markings/characteristics tidal gages other:
E	Mear □ sı	n High Water Mark indicated by: urvey to available datum;	□ vegetation	lines/changes in vegetation types.
	Wetla	and boundaries, as shown on the attached wetlan	d delineation n	nap and/or in a delineation report prepared by:
Ba	The round of the Control of the Cont	Artificial reflecting or swimming pools or othe by excavating and/or diking dry land to retain water-filled depressions created in dry land income the purpose of obtaining fill, sand, or gravel un	pasis of 33 CFR the following ponds or lagoo to upland if the gand/or diking such purposes ar small orname water for primacidental to considers and until the test the definition terstate comme Natural Resou	R part 328.3(a)(3).  It waters present on the site are not Waters of the irrigation ceased.  It was stock watering, irrigation, settling basins, or settling
	Data sl Th Data sl Corps' U.S. Go U.S.	wed for Jursidictional determination of the analysis office concurs with the delineation report, data is office does not concur with the delineation report, data is office does not concur with the delineation report, data is office does not concur with the delineation report is office does not concur with the delineation report is office does not concur with the delineation report is office does not concur with the delineation report is office does not concur with the delineation report is office does not concur with the delineation report is office does not concur with the delineation report, data is office does not concur with the delineation report, data is office delineation of papers and inventory maps:  Wed Identification wetland maps:  Wed Identification Wetland maps:  Wed Identification wetland maps:  Wed Identification conducted on:  Wellow by the Corps.  Wed Identification wetland maps:  Wed Identification conducted on:  Wellow by the Corps.  Wellow Topographs (Date):  Wellow Topographs (Date):	the applicant. pplicant. ed , prep port, dated	ared by (company): , prepared by (company):

<sup>&</sup>lt;sup>1</sup>Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>&</sup>lt;sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

**DISTRICT OFFICE:** CESWG-PERCC

FILE NUMBER: D-17752

		ECT LOCATION INFORMATION:	
		ate: TX	
		ounty: Nueces	
1	Cen	enter coordinates of site (latitude/longitude):	N 27 40' 18.6140", W 97 37' 9.3378"
	App	pproximate size of area (parcel) reviewed, including u	plands: 1 acres.
		ame of nearest waterway: West Oso Creek	
	Nan	ame of watershed: Oso Creek	
HID	ıcn	DICTIONAL DETERMINATION	
			Octor 19 November 2005
	C 0 1	<u> </u>	Date: 18 November 2005
		Site visit(s)	Date(s):
•	Juri	risdictional Determination (JD):	
		Preliminary JD - Based on available information,	there appear to be (or) there appear to be no "waters of the
		United States" and/or "navigable waters of the Unit	ted States" on the project site. A preliminary JD is not appealable
		(Reference 33 CFR part 331).	, y i my = se see approprie
	X		ction (Reference 33 CFR part 331).
		Check all that apply:	
		I here are "navigable waters of the United State	s" (as defined by 33 CFR part 329 and associated guidance) within
		the reviewed area. Approximate size of jurisdiction	nal area:
		There are "waters of the United States" (or def	in-11-22 CED 11-220 1 1 1 1 1 1 2 2 2 2 2
		reviewed area. Approximate size of jurisdictional a	ined by 33 CFR part 328 and associated guidance) within the
		reviewed area. Approximate size of jurisdictional a	iica.
		☐ There are "isolated, non-navigable, intra-state	waters or wetlands" within the reviewed area
		Decision supported by SWANG	CC/Migratory Bird Rule Information Sheet for Determination of No
		Jurisdiction.	solving and reason information of the bettermination of the
BASI	S C	OF JURISDICTIONAL DETERMINATION:	
E	<b>4.</b>		gable waters of the United States":
[		The presence of waters that are subject to the ebb ar	nd flow of the tide and/or are presently used, or have been used in
		the past, or may be susceptible for use to transport i	nterstate or foreign commerce.
	B.		waters of the United States":
L		(1) The presence of waters, which are currently used	d, or were used in the past, or may be susceptible to use in
-		interstate or foreign commerce, including all waters	which are subject to the ebb and flow of the tide.
Ļ	4		state wetlands <sup>1</sup> .
Ĺ		(3) The presence of other waters such as intrastate l	akes, rivers, streams (including intermittent streams), mudflats,
		sandilats, wetlands, sloughs, prairie potholes, wet m	neadows, playa lakes, or natural ponds, the use, degradation or
		destruction of which could affect interstate commer	ce including any such waters (check all that apply):
		(i) which are or could be used by interstate or f	oreign travelers for recreational or other purposes.
		(ii) from which fish or shellfish are or could be	taken and sold in interstate or foreign commerce.
г	7	(iii) which are or could be used for industrial p	urposes by industries in interstate commerce.
Ļ	=	(4) Impoundments of waters otherwise defined as w	raters of the US.
L	$\exists$	<ul><li>(5) The presence of a tributary to a water identified</li><li>(6) The presence of territorial seas.</li></ul>	III(1) - (4) above.
F	=	(7) The presence of wetlands adjacent <sup>2</sup> to other wet-	ers of the US, except for those wetlands adjacent to other wetlands.
L	_	(1) The presence of wellands adjacent to other water	of the 03, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination:

	ral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329)  Ordinary High Water Mark indicated by:  □ clear, natural line impressed on the bank  □ the presence of litter and debris  □ changes in the character of soil  □ destruction of terrestrial vegetation  □ shelving  □ other:  □ other:
	Mean High Water Mark indicated by:  ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types.
安平	Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by:
×	The reviewed area consists entirely of uplands.  Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7).  Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3).  The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States:  Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3.  Artificially irrigated areas, which would revert to upland if the irrigation ceased.  Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing.  Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons.  Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a).  Isolated, intrastate wetland with no nexus to interstate commerce.  Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale:
	Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: <b>Drainage ditch on uplands.</b> Other (explain):
	EVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply):  Maps, plans, plots or plat submitted by or on behalf of the applicant.  Data sheets prepared/submitted by or on behalf of the applicant.  This office concurs with the delineation report, dated , prepared by (company):  This office does not concur with the delineation report, dated , prepared by (company):  Data sheets prepared by the Corps.  Corps' navigable waters' studies:  U.S. Geological Survey Hydrologic Atlas:  U.S. Geological Survey 7.5 Minute Topographic maps: Petronila NE Quadrangle  U.S. Geological Survey 7.5 Minute Historic quadrangles:  U.S. Geological Survey 15 Minute Historic quadrangles:  U.S. A Natural Resources Conservation Service Soil Survey: Nueces County  National wetlands inventory maps: Petronila NE  State/Local wetland inventory maps:  FEMA/FIRM maps (Map Name & Date):  100-year Floodplain Elevation is: (NGVD)  Aerial Photographs (Date):  Advanced Identification Wetland maps:  Site visit/determination conducted on:  Applicable/supporting case law:

<sup>&</sup>lt;sup>1</sup>Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>&</sup>lt;sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

**DISTRICT OFFICE:** CESWG-PE-RE **FILE NUMBER: SWG-05-07-039** 

PROJEC	CT LOC	'ATION	INFORM	MATION.

State:

Texas

County:

Harris

Center coordinates of site (latitude/longitude):

29 degrees 56.88N; 95 degrees 30.95 W

Approximate size of area (parcel) reviewed, including uplands: 20.65 acres.

Name of nearest waterway:

Name of watershed:

# JURISDICTIONAL DETERMINATION

Completed: Desktop determination

Date: 11-18-05

Site visit(s)

Jurisdictional Determination (JD):

Preliminary JD - Based on available information, \( \subseteq \text{there appear to be (or)} \subseteq \text{there appear to be no "waters of the preliminary JD - Based on available information, \( \subseteq \text{there appear to be (or)} \subseteq \subseteq \text{there appear to be no "waters of the preliminary JD - Based on available information, \( \subseteq \text{there appear to be (or)} \subseteq \subseteq there appear to be no "waters of the preliminary JD - Based on available information, \( \subseteq \text{there appear to be no "waters of the preliminary JD - Based on available information, \( \subseteq \text{there appear to be no "waters of the preliminary JD - Based on available information, \( \subseteq \text{there appear to be no "waters of the preliminary JD - Based on available information, \( \subseteq \text{there appear to be no "waters of the preliminary JD - Based on available information, \( \subseteq \text{there appear to be no "waters of the preliminary JD - Based on available information of the preliminary JD - Based on available information of the preliminary JD - Based on available information of the preliminary JD - Based on available information of the preliminary JD - Based on available information of the preliminary JD - Based on available information of the preliminary JD - Based on available information of the preliminary JD - Based on available information of the preliminary JD - Based on available information of the preliminary JD - Based on available information of the preliminary JD - Based on available information of the preliminary JD - Based on available information of the preliminary JD - Based on available information of the preliminary JD - Based on available information of the preliminary JD - Based on available information of the preliminary JD - Based on available information of the preliminary JD - Based on available information of the preliminary JD - Based on available information of the preliminary JD - Based on available information of the preliminary JD - B
United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable
(Reference 33 CFR part 331).

Date(s):

Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:

There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

Marcher are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: 2.25 acres.

There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.

Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.

## **BASIS OF JURISDICTIONAL DETERMINATION:**

- A. Waters defined under 33 CFR part 329 as "navigable waters of the United States":
- The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.
- Waters defined under 33 CFR part 328.3(a) as "waters of the United States":
- (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.
- (2) The presence of interstate waters including interstate wetlands.

  (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):
  - (i) which are or could be used by interstate or foreign travelers for recreational or other purposes.
  - (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.
  - (iii) which are or could be used for industrial purposes by industries in interstate commerce.
- (4) Impoundments of waters otherwise defined as waters of the US.
  - (5) The presence of a tributary to a water identified in (1) (4) above.
- (6) The presence of territorial seas.
  - (7) The presence of wetlands adjacent to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: The West Fork of the San Jacinto is upstream of Greens Bayou and North Galveston Bay is downstream. Greens Bayou flows into North Galveston Bay.

**FILE NUMBER: SWG-05-07-039** Lateral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329) Ordinary High Water Mark indicated by: High Tide Line indicated by: clear, natural line impressed on the bank oil or scum line along shore objects the presence of litter and debris fine shell or debris deposits (foreshore) changes in the character of soil physical markings/characteristics destruction of terrestrial vegetation tidal gages shelving other: other: Mean High Water Mark indicated by: ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types. Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by: Berg Oliver and Associates. **Basis For Not Asserting Jurisdiction:** The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States: Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale: Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: Other (explain): DATA REVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply): Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. ☐ This office concurs with the delineation report, dated , prepared by (company): This office does not concur with the delineation report, dated , prepared by (company): Data sheets prepared by the Corps. Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic maps: U.S. Geological Survey 7.5 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: USDA Natural Resources Conservation Service Soil Survey: National wetlands inventory maps: State/Local wetland inventory maps: FEMA/FIRM maps (Map Name & Date): 100-year Floodplain Elevation is: (NGVD) Aerial Photographs (Name & Date): Other photographs (Date):

Advanced Identification Wetland maps: Site visit/determination conducted on: Applicable/supporting case law: Other information (please specify):

Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>&</sup>lt;sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

**DISTRICT OFFICE: CESWG-PE-RE** 

**FILE NUMBER: 23988** 

## PROJECT LOCATION INFORMATION:

State:

Texas

County:

Harris Center coordinates of site (latitude/longitude):

29 degrees 47.43 N; 95 degrees 03.27 W

Approximate size of area (parcel) reviewed, including uplands: 1.040 acres.

Name of nearest waterway: San Jacinto River

Name of watershed: Buffalo-San Jacinto; 12040104

### JURISDICTIONAL DETERMINATION

Completed: Desktop determination

Site visit(s)

Date: 11-18-05

Date(s):

## Jurisdictional Determination (JD):

Preliminary JD - Based on available information, there appear to be (or) there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).

Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:

Machine There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: 0.12-acre.

Matter are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: 0.12 acres.

There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.

Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.

## **BASIS OF JURISDICTIONAL DETERMINATION:**

- Waters defined under 33 CFR part 329 as "navigable waters of the United States":
- The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.
- B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States":
- (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.
- (2) The presence of interstate waters including interstate wettains.

  (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):
  - (i) which are or could be used by interstate or foreign travelers for recreational or other purposes.
  - (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.
  - (iii) which are or could be used for industrial purposes by industries in interstate commerce.
  - (4) Impoundments of waters otherwise defined as waters of the US.
  - (5) The presence of a tributary to a water identified in (1) (4) above.
  - (6) The presence of territorial seas.
  - (7) The presence of wetlands adjacent<sup>2</sup> to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: The project is adjacent to and in the San Jacinto River which flows into Burnet Bay.

2 **FILE NUMBER: 23988** Lateral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329) Ordinary High Water Mark indicated by: High Tide Line indicated by: clear, natural line impressed on the bank oil or scum line along shore objects the presence of litter and debris fine shell or debris deposits (foreshore) changes in the character of soil physical markings/characteristics destruction of terrestrial vegetation tidal gages shelving other: other: Mean High Water Mark indicated by: survey to available datum; physical markings; vegetation lines/changes in vegetation types. Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by: Goldston Engineering, Inc. **Basis For Not Asserting Jurisdiction:** The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States: Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. П Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a). Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale: Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: Other (explain): DATA REVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply): Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. ☐ This office concurs with the delineation report, dated , prepared by (company): ☐ This office does not concur with the delineation report, dated , prepared by (company): Data sheets prepared by the Corps. Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic maps: U.S. Geological Survey 7.5 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: USDA Natural Resources Conservation Service Soil Survey: National wetlands inventory maps: State/Local wetland inventory maps: FEMA/FIRM maps (Map Name & Date): 100-year Floodplain Elevation is: (NGVD) Aerial Photographs (Name & Date):

Other information (please specify): Corps of Engineers Unauthorized Activity Statement of Findings: Case I-4924

Other photographs (Date):

Advanced Identification Wetland maps: Site visit/determination conducted on: Applicable/supporting case law:

Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e.,

occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

**DISTRICT OFFICE:** Galveston District

FILE NUMBER: D-17894

# PROJECT LOCATION INFORMATION:

State:

Texas

County: Zapata Center coordinates of site (latitude/longitude):

26-52-48.03 99-13-17.40

Approximate size of area (parcel) reviewed, including uplands: approx. 34,148 acres.

Name of nearest waterway: Falcon Reservoir

Name of watershed: Rio Grande

#### JURISDICTIONAL DETERMINATION

Completed: Desktop determination

Site visit(s)

Date: 18 November 2005

Date(s):

# Jurisdictional Determination (JD):

Preliminary JD - Based on available information, \( \square\) there appear to be (or) \( \square\) there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).

Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:

Marchard There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: 2000 acre.

There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: 1000 acre.

There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.

Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.

# BASIS OF JURISDICTIONAL DETERMINATION:

- A. Waters defined under 33 CFR part 329 as "navigable waters of the United States":
- The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.
- B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States":
- (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.
  - (2) The presence of interstate waters including interstate wetlands<sup>1</sup>.
  - (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):
  - (i) which are or could be used by interstate or foreign travelers for recreational or other purposes.
  - (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.
  - (iii) which are or could be used for industrial purposes by industries in interstate commerce.
- (4) Impoundments of waters otherwise defined as waters of the US.
  - (5) The presence of a tributary to a water identified in (1) (4) above.
  - (6) The presence of territorial seas.
  - (7) The presence of wetlands adjacent to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: Falcon Reservoir is an international impoundment of the Rio Grande River, a historically navigable body of water

La	teral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329)	FILE NUMBER: D-1789
	Ordinary High Water Mark indicated by:  High Tide Line ind	licated by:
	the presence of litter and debris	ne along shore objects debris deposits (foreshore)
	destruction of the character of Soil physical mark	cings/characteristics
	shelving other:	
	other:	
	Mean High Water Mark indicated by: ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in	п vegetation types.
Œ	Wetland boundaries, as shown on the attached wetland delineation map and/or in a delin	delineation report prepared by:
	is For Not Asserting Jurisdiction:  The reviewed area consists entirely of uplands.  Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7).  Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3)  The Corps has made a case-specific determination that the following waters present  United States:  Waste treatment systems, including treatment ponds or lagoons, pursuant to 3  Artificially irrigated areas, which would revert to upland if the irrigation cease  Artificial lakes and ponds created by excavating and/or diking dry land to color retain water and which are used exclusively for such purposes as stock water rice growing.  Artificial reflecting or swimming pools or other small ornamental bodies of weater by excavating and/or diking dry land to retain water for primarily aesthetic rewater-filled depressions created in dry land incidental to construction activity the purpose of obtaining fill, sand, or gravel unless and until the construction abandoned and the resulting body of water meets the definition of waters of the 328.3(a).  Isolated, intrastate wetland with no nexus to interstate commerce.	on the site are not Waters of the 33 CFR part 328.3. sed. llect and ing, irrigation, settling basins, or vater created assons. y and pits excavated in dry land for or excavation operation is he United States found at 33 CFR
	Prior converted cropland, as determined by the Natural Resources Conservation	on Service. Explain rationale:
	Non-tidal drainage or irrigation ditches excavated on dry land. Explain ration Other (explain):	ale:
i i	EVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply) Maps, plans, plots or plat submitted by or on behalf of the applicant.  Out a sheets prepared/submitted by or on behalf of the applicant.  This office concurs with the delineation report, dated , prepared by (compared by the property of th	
[   <b>   </b>	This office does not concur with the delineation report, dated , prepared by Company , prepared by the Corps.	(company):
	Corps' navigable waters' studies:	
J 🐼	J.S. Geological Survey Hydrologic Atlas:	
	J.S. Geological Survey 7.5 Minute Topographic maps: Arroyo Veleno, Arroyo Clarer J.S. Geological Survey 7.5 Minute Historic quadrangles:	io, Arroyo Huisache
U	J.S. Geological Survey 15 Minute Historic quadrangles: SDA Natural Resources Conservation Service Soil Survey:	
■ N	lational wetlands inventory maps: Arroyo Veleno, Arroyo Clareno, Arroyo Huigoche	
F.	tate/Local wetland inventory maps:  EMA/FIRM maps (Map Name & Date): Zapata County, Community Panel 480687 0	0114 Fahmiom, 21, 1070
10	1 July 1 recording Pic added 12.	offA reducing 21, 1978
Ô	erial Photographs (Name & Date): ther photographs (Date):	
A S	dvanced Identification Wetland maps: te visit/determination conducted on:	
A	pplicable/supporting case law:	
<b>O</b>	ther information (please specify):	

<sup>&</sup>lt;sup>1</sup>Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>&</sup>lt;sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

**DISTRICT OFFICE:** CESWG-PERCC

FILE NUMBER: D-17751

Stat Cou Cen App Nar	e: inty: iter coordi proximate	TX Nueces nates of si size of are est waterw	te (latitude/longitua (parcel) reviewe ay: West Oso Cre Oso Creek	d, including	N 27 43' 29.7168", W 97 37' 8.9768" guplands: 1 acres.
			RMINATION determination (s)	×	Date: 18 November 2005 Date(s):
Jur	isdictiona	l Determi	nation (JD):		
	United S	tates" and			, \(\sum \) there appear to be (or) \(\sum \) there appear to be no "waters of the nited States" on the project site. A preliminary JD is not appealable
⊠		d JD – An l that appl	• •	n appealable	action (Reference 33 CFR part 331).
			gable waters of the Approximate size		ates" (as defined by 33 CFR part 329 and associated guidance) within ional area:
			ers of the United S proximate size of		defined by 33 CFR part 328 and associated guidance) within the al area:
	☐ There	e are "isol			te waters or wetlands" within the reviewed area.  NCC/Migratory Bird Rule Information Sheet for Determination of No.
Α.	Waters of	defined un ence of wa	ters that are subje	t 329 as "na ect to the ebb	avigable waters of the United States":  o and flow of the tide and/or are presently used, or have been used in art interstate or foreign commerce.
B.	(1) The printerstate (2) The printerstate (3) The printerstate (3) The printerstate (3) The printerstate (4) Imports (5) The printerstate (6) The printerstate (5) The printersta	oresence of corresence of correspondence of	f waters, which are commerce, include interstate waters fother waters such, sloughs, prairie the could affect into could be used by fish or shellfish or could be used of waters otherwif a tributary to a volument of the could seas.	e currently unding all wat including in as intrasta potholes, we erstate commy interstate of are or could for industriate defined a vater identification.	s "waters of the United States": used, or were used in the past, or may be susceptible to use in uers which are subject to the ebb and flow of the tide. uterstate wetlands <sup>1</sup> . ute lakes, rivers, streams (including intermittent streams), mudflats, ute meadows, playa lakes, or natural ponds, the use, degradation or unerce including any such waters (check all that apply): or foreign travelers for recreational or other purposes. Use taken and sold in interstate or foreign commerce. Used in (1) – (4) above.  waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination:

La	teral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329)  Ordinary High Water Mark indicated by:  clear, natural line impressed on the bank the presence of litter and debris changes in the character of soil destruction of terrestrial vegetation shelving ordinary High Water Mark indicated by: High Tide Line indicated by: oil or scum line along shore objects fine shell or debris deposits (foreshore) physical markings/characteristics tidal gages other:
26	Mean High Water Mark indicated by:  ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types.
	Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by:
Ba	The reviewed area consists entirely of uplands.  Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7).  Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3).  The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States:  Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3.  Artificially irrigated areas, which would revert to upland if the irrigation ceased.  Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing.  Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons.  Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a).  Isolated, intrastate wetland with no nexus to interstate commerce.  Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale:  Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: Drainage ditch on uplands. Other (explain):
	Other (explain):  REVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply):  Maps, plans, plots or plat submitted by or on behalf of the applicant.  Data sheets prepared/submitted by or on behalf of the applicant.  This office concurs with the delineation report, dated , prepared by (company):  This office does not concur with the delineation report, dated , prepared by (company):  Data sheets prepared by the Corps.  Corps' navigable waters' studies:  U.S. Geological Survey Hydrologic Atlas:  U.S. Geological Survey 7.5 Minute Topographic maps: Petronola NE Quadrangle  U.S. Geological Survey 15 Minute Historic quadrangles:  U.S. Geological Survey 15 Minute Historic quadrangles:  U.S. Deological Survey 15 Minute Historic quadrangles:  U.S. Activational wetlands inventory maps: Petronila NE  State/Local wetland inventory maps:  FEMA/FIRM maps (Map Name & Date):  100-year Floodplain Elevation is: (NGVD)  Aerial Photographs (Name & Date): TNRIS 1995  Other photographs (Date):  Advanced Identification Wetland maps:  Site visit/determination conducted on:  Applicable/supporting case law:  Other information (please specify):

<sup>&</sup>lt;sup>1</sup>Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>&</sup>lt;sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

#### JURISDICTIONAL DETERMINATION

U.S. Army Corps of Engineers

**DISTRICT OFFICE:** Galveston FILE NUMBER: D-17937 PROJECT LOCATION INFORMATION: State: Texas De Witt County: Center coordinates of site (latitude/longitude): 28 56 6.9621, 97 19 17.5229; 29 0 55.5262, 97 34 54.3819 Approximate size of area (parcel) reviewed, including uplands: 0.5 acre. Name of nearest waterway: Twelvemile Creek; Salt Creek Name of watershed: Lower Guadalupe JURISDICTIONAL DETERMINATION Completed: Desktop determination Date: 18 Nov 2005 Site visit(s) Date(s): Jurisdictional Determination (JD): Preliminary JD - Based on available information, \(\pi\) there appear to be (or) \(\pi\) there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331). Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply: ☐ There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: <u>acre.</u> ☐ There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: <u>0.2 acre.</u> There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area. Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction. BASIS OF JURISDICTIONAL DETERMINATION: Waters defined under 33 CFR part 329 as "navigable waters of the United States": The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce. B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States": [1] (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide. (2) The presence of interstate waters including interstate wetlands<sup>1</sup>. (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply): (i) which are or could be used by interstate or foreign travelers for recreational or other purposes. (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce. (iii) which are or could be used for industrial purposes by industries in interstate commerce. (4) Impoundments of waters otherwise defined as waters of the US.  $\boxtimes$  (5) The presence of a tributary to a water identified in (1) – (4) above. (6) The presence of territorial seas. [1] (7) The presence of wetlands adjacent<sup>2</sup> to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: Intermittent tributaries to Coleto Creek, which is tributary to Guadalupe River.

# FILE NUMBER: D-17937

Lat ⊠	teral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329)  Ordinary High Water Mark indicated by:  □ clear, natural line impressed on the bank □ the presence of litter and debris □ changes in the character of soil □ destruction of terrestrial vegetation □ tidal gages □ shelving □ other: hydrophytic vegetation
. 3	Mean High Water Mark indicated by:  ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types.
	Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by:
Bas	The reviewed area consists entirely of uplands.  Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7).  Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3).  The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States:  Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3.  Artificially irrigated areas, which would revert to upland if the irrigation ceased.  Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing.  Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons.  Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a).  Isolated, intrastate wetland with no nexus to interstate commerce.  Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale:  Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale:  Other (explain):
	EVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply):  Maps, plans, plots or plat submitted by or on behalf of the applicant.  Data sheets prepared/submitted by or on behalf of the applicant.  This office concurs with the delineation report, dated, prepared by (company):  This office does not concur with the delineation report, dated, prepared by (company):  Data sheets prepared by the Corps.  Corps' navigable waters' studies:  U.S. Geological Survey Hydrologic Atlas:  U.S. Geological Survey 7.5 Minute Topographic maps: Meyersville, TX and New Davy, TX  U.S. Geological Survey 15 Minute Historic quadrangles:  U.S. Geological Survey 15 Minute Historic quadrangles:  U.S. According Survey 15 Minute Historic quadrangles:  U.S. According Survey 15 Minute Historic quadrangles:  U.S. Geological Survey 15 Minute Meyersville, TX and New Davy, TX  And New Da

<sup>&</sup>lt;sup>1</sup>Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>&</sup>lt;sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

**DISTRICT OFFICE: CESWG FILE NUMBER:** SWG-05-39-011

### PROJECT LOCATION INFORMATION:

State:

Texas

County:

Harris Center coordinates of site (latitude/longitude):

Lat: 29.57.53 Long: 95.10.10

Approximate size of area (parcel) reviewed, including uplands: 350 acres.

Name of nearest waterway: Un-named tributary to Lake Houston

Name of watershed: San Jacinto River

### JURISDICTIONAL DETERMINATION

Completed: Desktop determination

Site visit(s)

Date: 18 November 2005

Date(s):

#### Jurisdictional Determination (JD):

Preliminary JD - Based on available information, \( \subseteq \text{ there appear to be (or) } \subseteq \text{ there appear to be no "waters of the present the content of the present the content of the present of th United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).

Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:

There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.

Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.

# BASIS OF JURISDICTIONAL DETERMINATION:

- Waters defined under 33 CFR part 329 as "navigable waters of the United States":
- The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.
- B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States":
- (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.
  - (2) The presence of interstate waters including interstate wetlands<sup>1</sup>.
  - (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):
  - (i) which are or could be used by interstate or foreign travelers for recreational or other purposes.
  - (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.
  - (iii) which are or could be used for industrial purposes by industries in interstate commerce.
- (4) Impoundments of waters otherwise defined as waters of the US.
  - (5) The presence of a tributary to a water identified in (1) (4) above.
  - (6) The presence of territorial seas.
  - (7) The presence of wetlands adjacent<sup>2</sup> to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: Please see D-16934 for the verified delineation.

т.	FILE NUMBER: SWG-05-39-011
La	Cordinary High Water Mark indicated by:   Clear, natural line impressed on the bank   Diagram of the presence of litter and debris   Diagram of the character of soil   Diagram of terrestrial vegetation   Diagram of the cher:   Cordinary High Water Mark indicated by:   High Tide Line indicated by:   Oil or scum line along shore objects   Diagram of the shell or debris deposits (foreshore)   Diagram of the character of soil   Diagram of the character of soil   Diagram of the character of tidal gages   Diagram of the character of the character of tidal gages   Diagram of
	Mean High Water Mark indicated by:  survey to available datum; physical markings; vegetation lines/changes in vegetation types.
	Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by:
Ba	The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States:  Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a). Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale:  Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: Other (explain):
	Maps, plans, plots or plat submitted by or on behalf of the applicant.  Data sheets prepared/submitted by or on behalf of the applicant.  This office concurs with the delineation report, dated prepared by (company):  This office does not concur with the delineation report, dated prepared by (company):  This office does not concur with the delineation report, dated prepared by (company):  Data sheets prepared by the Corps.  Corps' navigable waters' studies:  U.S. Geological Survey Hydrologic Atlas:  U.S. Geological Survey 7.5 Minute Topographic maps: Harmaston  U.S. Geological Survey 15 Minute Historic quadrangles:  U.S. Geological Survey 16 Minute Historic quadrangles:  U.S. Geological Survey 16 Minute Historic quadrangles:  U.S. Geological Survey 16 Minute Historic quadrangles:  U.S. Geological Survey

<sup>&</sup>lt;sup>1</sup>Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>&</sup>lt;sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

#### JURISDICTIONAL DETERMINATION

U.S. Army Corps of Engineers

**DISTRICT OFFICE:** Galveston FILE NUMBER: 24002 PROJECT LOCATION INFORMATION: State: Texas County: Aransas Center coordinates of site (latitude/longitude): 28 04 44.1503; 97 05 21.5145 Approximate size of area (parcel) reviewed, including uplands: <u>0.22</u> acre. Name of nearest waterway: Copano Bay Name of watershed: Aransas Bay JURISDICTIONAL DETERMINATION Date: 18 November 2005 **Completed:** Desktop determination  $\boxtimes$ Site visit(s) 1 Date(s): Jurisdictional Determination (JD): Preliminary JD - Based on available information, there appear to be (or) there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331). Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply: ☑ There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: 0.052 acre. There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: <u>acre.</u> There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area. Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction. BASIS OF JURISDICTIONAL DETERMINATION: A. Waters defined under 33 CFR part 329 as "navigable waters of the United States": The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce. B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States": [1] (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide. (2) The presence of interstate waters including interstate wetlands<sup>1</sup>. (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply): (i) which are or could be used by interstate or foreign travelers for recreational or other purposes. [ (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce. [ (iii) which are or could be used for industrial purposes by industries in interstate commerce. (4) Impoundments of waters otherwise defined as waters of the US.  $\odot$  (5) The presence of a tributary to a water identified in (1) – (4) above. (6) The presence of territorial seas.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: Site is subject to daily ebb and flow of tidal waters of Copano Bay

(7) The presence of wetlands adjacent<sup>2</sup> to other waters of the US, except for those wetlands adjacent to other wetlands.

FILE NUMBER: 24002

La	Ordinary High Water Mark indicated by:  clear, natural line impressed on the bank the presence of litter and debris changes in the character of soil destruction of terrestrial vegetation shelving other: hydrophytic vegetation  Ordinary High Water Mark indicated by: High Tide Line indicated by: oil or scum line along shore objects fine shell or debris deposits (foreshore) physical markings/characteristics tidal gages other:
×	Mean High Water Mark indicated by:  ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types.
8	Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by:
Bas	The reviewed area consists entirely of uplands.  Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7).  Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3).  The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States:  Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3.  Artificially irrigated areas, which would revert to upland if the irrigation ceased.  Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing.  Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons.  Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a).  Isolated, intrastate wetland with no nexus to interstate commerce.  Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale:  Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale:  Other (explain):
DATA F	REVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply):  Maps, plans, plots or plat submitted by or on behalf of the applicant.  Data sheets prepared/submitted by or on behalf of the applicant.  This office concurs with the delineation report, dated, prepared by (company):  This office does not concur with the delineation report, dated, prepared by (company):  Data sheets prepared by the Corps.  Corps' navigable waters' studies:  U.S. Geological Survey Hydrologic Atlas:  U.S. Geological Survey 7.5 Minute Topographic maps: Rockport, TX  U.S. Geological Survey 15 Minute Historic quadrangles:  U.S. Geological Survey 15 Minute Historic quadrangles:  U.S. Geological Survey 15 Minute Historic quadrangles:  U.S. Autural Resources Conservation Service Soil Survey:  National wetlands inventory maps:  State/Local wetland inventory maps:  FEMA/FIRM maps (Map Name & Date):  100-year Floodplain Elevation is: (NGVD)  Aerial Photographs (Name & Date): USDA 1995  Other photographs (Date):  Advanced Identification Wetland maps:  Site visit/determination conducted on:  Applicable/supporting case law:  Other information (please specify):

<sup>&</sup>lt;sup>1</sup>Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>&</sup>lt;sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.